

ARUN DISTRICT COUNCIL

REPORT TO THE ANNUAL COUNCIL MEETING ON 20 MAY 2020

SUBJECT:	Appointment to Committees
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REPORT AUTHOR:	Nigel Lynn, Chief Executive
DATE:	May 2020
EXTN:	37601
CABINET PORTFOLIO:	Corporate Support

EXECUTIVE SUMMARY:

Following consultation with Group Leaders, the Council is asked to make appointments to the Overview Select and Regulatory Committees; the Standards Committee; and other Sub-Committees, Working Groups and Working Parties and Panels including the confirmation of the Chairman and Vice-Chairman where relevant.

The Council is also asked to consider the outcomes of the annual review of the entitlement of political groups and non-aligned councillors to seats on Committees, Sub-Committees and Working Parties/Panels in line with proportionality rules.

RECOMMENDATIONS:

Subject to any updates given at the meeting, the Council is asked to:

- (1) note the entitlement of political groups and non-aligned councillors to seats on Committees, Sub-Committees and Working Parties/Panels based on proportionality rules, as set out in Appendix 1;
- (2) consider whether to approve the negotiated allocation of seats to Committees, Sub-Committees and Working Parties/Panels as set out in Appendix 2, as recommended by the Leader of the Council;
- (3) subject to (2) above, to approve the appointments to Committees, Sub-Committees, Working Groups, Working Parties and Panels for 2020/21, together with the confirmation of the Chairman and Vice-Chairman where relevant, as set out in Appendix 3 to be attached to the Minutes; and
- (4) to agree that in accordance with Council Procedure Rule 26.3, a Liberal Democrat seat on the Licensing Committee will remain unfilled until an election has been held for the vacancy in the Brookfield Ward and any consequential changes to the allocation of seats have been agreed.

1.0 BACKGROUND

- 1.1 It is the duty of the Council to review annually the entitlement of political groups to seats on committees in line with the proportionality rules set out in the Local Government & Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

The rules allow adjustments to be made to make whole numbers of seats and, once the Council has determined how adjustments should be made, appointments are made to committees on that basis.

1.2 The proportionality rules confirm that:

- a) No political group can have all the places on a committee (the exception is the Cabinet).
- b) A group having an overall majority on the Council is entitled to a majority of seats on each Committee.
- c) The gross number of seats is allocated in accordance with each group's entitlement.
- d) The number of seats on each committee is allocated in accordance with each group's entitlement.

1.3 Our interpretation of their application for Arun is that:

- a) **does** apply and therefore no committee, sub-committee or working party/panel can be made up of Members from only one political group (other than executive positions);
- b) **does not** apply as no political group has an overall majority of seats on the Council;
- c) **does** apply so that when the Council considers the total number of seats on committees, sub-committees, working parties/panels, and the entitlement to seats, the proportion allocated to any one political group is the same as that group's proportion of seats on the Council; and
- d) **does** apply to allow for the total number of seats on each individual committee, sub-committee or working party/panel allocated to a political group to be the same proportion as they have on the Council.

1.4 Under the rules, if there are members of the Council who do not belong to a political group then, once the division of seats between the political groups has been made, any remaining seats are allocated to these members by the Council. This rule does need to be applied to Arun with four of the 54 councillors not aligned to any political group and there being seats remaining following the allocation.

1.5 The table below sets out the percentage of seats held by each group:

Percentage of seats held by each group								
Conservative	Liberal Democrats	Labour	UKIP	Independent Group	Independent1	Independent2	Independent3	Green
21	20	1	0	7	1	1	1	2
38.89%	37.04%	1.85%	0.00%	12.96%	1.85%	1.85%	1.85%	3.70%

1.6 Appendix 1 to the report sets out the allocation of seats prepared by officers to each political group across Committees, Sub-Committees and Working Parties/Panels based on the proportionality rules. It also highlights the number of remaining seats that the Council can decide to allocate to the councillors not aligned to any political group.

1.7 In accordance with Council Procedure Rule 26.3, this allocation of seats has recognised that a vacancy exists in the Brookfield Ward from the sad passing of Councillor Chris Blanchard-Cooper. Any seat held by this councillor will need to remain unfilled until an election has been held and consequential changes to the allocation of seats have been agreed. This affects one seat on the Licensing Committee.

- 1.8 It should be noted that the allocation does not include those panels where the Constitution confirms seats are held by specific positions, namely the:
- Chief Executive's Appraisal Panel
 - Assets of Community Value Compensation Panel
 - Arun Improvement Programme
 - Staff Safety Panel
- 1.9 The allocation does not also include Working Groups whose membership is made up of volunteers, as confirmed by Part 3, Section 6.0 of the Constitution; or the Joint Area Committees whose membership is confirmed at Article 10 of the Constitution.
- 1.10 In line with the requirements of Council Procedure Rule 26.1, Group Leaders were provided with the allocation of seats prepared by the Monitoring Officer so they were able to supply a list of their group's membership of each committee, sub-committee, working party and panel for confirmation by this meeting. The advice given at this stage did highlight that due to the rounding of figures for each committee to achieve the overall proportionality, two Group Leaders had some choice on the number of seats they had to fill. This related to:
- a) the Liberal Democrats – the allocation allows their membership of the Development Control, Licensing and Overview Select Committees to be 6 seats on two of these committees and 3 on the other; and for
 - b) the Conservatives – the allocation allows for their membership of the Bognor Regis Regeneration, Littlehampton Regeneration Sub-Committees and Standards Committee to be 4 on two of these committees and 3 on the other.
- 1.11 The seats then remaining would be allocated to the non aligned councillors.
- 1.12 The Leader of the Conservative Group has confirmed that his group's allocation on the Bognor Regis Regeneration Sub-Committee should be reduced to 3, with this seat then reallocated to Councillor Sandra Daniells, one of the non aligned councillors. Councillor Mrs Daniells has confirmed that if the Council approves this proposal, she would wish to take up this seat.
- 1.13 As set out in section 2 below, the Leader of the Council wishes to propose an alternative allocation of seats for consideration by the Council.

2.0 PROPOSALS FROM THE LEADER OF THE COUNCIL

- 2.1 Appendix 2 to the report sets out an alternative allocation of seats that the Leader of the Council has asked be presented to the Council. Advice from the Monitoring Officer on the implications of these proposals are set out in section 6 below.
- 2.2 The Leader wishes to propose the following appointments for the non aligned councillors:
- Labour – Councillor Mike Northeast
 - Licensing Committee
 - Overview Select Committee (Chairman)
 - Independent 1 – Councillor Tracy Baker
 - Standards Committee
 - Electoral Review Sub-Committee
 - Staff Appeals Panel

Independent 2 – Councillor Ian Buckland

- Licensing Committee
- Littlehampton Regeneration Sub-Committee
- Housing Appeals Panel

Independent 3 - Sandra Daniels

- Planning Policy Sub-Committee
- Members IT Working Party

2.3 The Leader also wishes to propose that:

- One of the Liberal Democrat seats on the Audit & Governance Committee is reallocated to the Independent Group – to be filled by Councillor Tony Dixon
- The second seat on the Bognor Regis Regeneration Sub-Committee identified in Appendix 1 for allocation to a non aligned councillor be reallocated to the Independent Group – to be filled by Councillor Tony Dixon

2.4 Appendix 3 to the report therefore sets out the appointments proposed by each of the Group Leaders to Committees, Sub-Committees, Working Groups, Working Parties and Panels for 2020/21, together with the appointment of Chairman and Vice-Chairman were relevant, for approval by the Council. It should be noted that there is still a seat on the Audit & Governance Committee that had remained for allocation to the non aligned councillors to be reallocated and appointed to by the Council.

3.0 OPTIONS

- a) To approve the allocation of seats and appointments to committees as proposed by the Leader of the Council in Appendices 2 and 3.
- b) To not support the Leader’s proposals and request alternative appointments.
- c) To have not held the Annual Council Meeting and allow all appointments to roll forward for a further period in line with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 - this option was not accepted during the consultations with the Group Leaders as the meeting could still take place virtually.

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Group Leaders on the allocation of seats in accordance with constitutional requirements 	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓

Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

Monitoring Officer's advice

Paragraph 1.3 has already set out the officer's interpretation of the provisions of the legislation and which of the proportionality rules do apply in the Council considering the allocation of seats. This interpretation has been supported through legal advice, which has been confirmed to the Group Leaders in the consultation phase.

It has been custom and practice that where the numbers of seats do not add up perfectly, the affected groups can then negotiate which seats to give up/gain between committees as is illustrated in paragraph 1.9. This has still ensured that the total number of seats on each individual committee allocated to each political group works to the same proportion as the group has on the Council.

In terms of allocating seats to any non aligned councillor, it is a Council decision which seat or seats are allocated to them. The officer allocation at Appendix 1 highlights that the remaining committee/sub-committee seats to be allocated totals eight and that the number of seats on working parties/panels to be allocated totals 3. This schedule also confirms which seats have been determined as remaining from the proportionality calculations. It is accepted that there can be some negotiation by groups on what seats are identified as remaining, however, our interpretation of the law is that any negotiation still needs to provide an outcome that works to the proportionality rules.

However, the view of the Chief Executive and Monitoring Officer is that the Leader of the Council's proposals change the individual committee allocations so they no longer work to the same proportion that the Liberal Democrat and Independent groups have on the Council. Whilst for the Liberal Democrat group this appears to reduce their allocation on some committees, the proposals for the Independent group increases their total allocation by two from 15 to 17 seats.

Officer advice throughout the consultation phase has been to recommend the allocation of seats as provided at Appendix 1 as this works to the proportionality rules in ensuring:

- (a) No political group can have all the places on a committee (the exception is the Cabinet).
- (c) The gross number of seats is allocated in accordance with each group's entitlement.
- (d) The number of seats on each committee is allocated in accordance with each group's entitlement.

It remains for the Council to consider and decide if it wishes to support the Leader of the Council's proposals or adhere to the advice of the Chief Executive and Monitoring Officer.

7.0 REASON FOR THE DECISION:

To reflect legislative and constitutional requirements for reviewing the proportionality and allocation of seats to Committees; and to agree the annual schedule of appointments in line with constitutional requirements.

8.0 BACKGROUND PAPERS:

The Local Government & Housing Act 1989 – Section 15

<http://www.legislation.gov.uk/ukpga/1989/42/section/15>

The Local Government (Committees and Political Groups) Regulations 1990 – Section 16

<https://www.legislation.gov.uk/uksi/1990/1553/regulation/16/made>

Arun's Constitution

<https://www.arun.gov.uk/constitution>