

ARUN DISTRICT COUNCIL

REPORT TO THE ANNUAL COUNCIL MEETING ON 19 MAY 2021

SUBJECT:	Review of Entitlement of Political Groups to seats on Committees - (Proportionality) and Appointments to Committees
-----------------	--

REPORT AUTHOR:	Solomon Agutu – Interim Monitoring Officer
DATE:	18 May 2021
EXTN:	37432

EXECUTIVE SUMMARY:

Following the two by elections on 6 May 2021 and also following establishment of the Independent Arun Group as a political Group and the migration of the Council to a Committee style of Governance, the Council is asked to review the representation of political groups and non-aligned Councillors to seats on Committees, in accordance with statutory proportionality rules and if necessary determine an alternative allocation of seats and to appoint Members to Committees.

RECOMMENDATIONS:

Taking into consideration any updates given at the meeting, Full Council is asked to:

- (1) note the outcome of the review of entitlement of political groups and non-aligned councillors to seats on Committees, based on proportionality rules, as set out in Appendix 1. **In consequence Full Council is asked to;**
- (2) approve the allocation of seats to Political Groups;

(3) subject to (2) above, to approve the appointments to Committees, Sub-Committees, Working Groups, Working Parties and Panels for 2021/22 municipal year, together with the confirmation of the Chair and Vice-Chair where relevant, as set out in Appendix 2.

1.0 BACKGROUND

- 1.1 It is the duty of the Council to review from time to time the entitlement of political groups to seats on Committees in accordance with the proportionality rules set out in the Local Government & Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the Regulations) together hereinafter referred to as “the rules”. The rules allow adjustments to be made to fractions in order 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 Act sets out 4 proportionality rules and requires authorities to apply them in descending order of priority.:
- a) The first rule is that no political group (“group”) can have all the places on a Committee
 - b) The second rule is that a group having an overall majority on the Council is entitled to a majority of seats on each Committee.
 - c) The third rule provides that, without being inconsistent with the first two rules the gross number of seats on all Committees is allocated as near as possible in accordance with each group’s proportionate entitlement.
 - d) The fourth rule provides that, so far as is consistent with Rules (a) to (c), the number of seats on each Committee is allocated in accordance with each Group’s entitlement.
- 1.3 Legislation defines a political grouping for these purposes and in accordance with that legislation Arun has five “political groups” and two Councillors who are not grouped. The application of these rules to Arun Council indicates that:

- a) Paragraph 1.2 (a) above **does** apply to Arun and therefore no Committee or Sub-Committee can be made up of Members from only one political group;
- b) Paragraph 1.2 (b) above **does not** apply to Arun as no political group has an overall majority of seats on the Council;
- c) Paragraph 1.2(c) above **does** apply to Arun so that when the Council considers the total number of seats on Committees and Sub-Committees, the proportion allocated to any one political group is the same as that group's proportion of seats on the Council; and
- d) Paragraph 1.2(d) above **does** apply to Arun to allow for the total number of seats on each individual Committee or Sub-Committee allocated to a political group to be the same proportion as they have on the Council.

1.4 Under the rules in 1.2 and 1.3 above, 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 two of the 54 Councillors not belonging to a group and there being five seats remaining following the allocation.

1.5 The Council can only depart from these rules by passing a resolution with no Member voting against the resolution.

1.6 The current distribution of elected Members on Arun District Council following the May 2021 by election shifting allegiances is as follows:

Conservatives	24
Liberal Democrats	16
Independent Group	6
Arun Independent Group	4
Green	2
Independent (non-group)	1
Labour(non-group)	1

1.7 The Council has the following relevant Committees established from May 2021

Audit and Governance Committee	11
CEO Remuneration Committee	5
Corporate Policy and Performance Committee	9
Corporate Support Committee	11
Economic Committee	11
Electoral Review Committee	5
Environmental and Neighbourhood Services Committee	11
Licensing Committee	11
Planning Committee	11
Planning Policy Committee	11
Residential and Wellbeing Committee	11
SOID Committee	5
Standards Committee	11
Total	123

1.8 The total number of seats is 123

1.9 The table below sets out the percentage of the 54 Members belonging to each grouping:

Con	Lib D	Indep	AIG	Green	Lab	IndInd 1	
24/54	16/54	6/54	4/54	2/54	1/54	1/54	54
44.44%	29.62%	11.11%	7.40%	3.70%	1.85%	1.85%	100

1.10 Appendix 1 to this report sets out the allocation of seats prepared by officers to each political group 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.

1.11 In line with the requirements of Council Procedure Rules 28.1, political Group Leaders were provided with the officer calculation of seats to be allocated to political groups so they were able to supply a list of their group's membership of each committee and subcommittee for confirmation by this meeting.

1.12 The seats then remaining would be allocated to the non-aligned councillors.

2.0 ALTERNATIVE PROPOSALS

2.1 At the time of writing this report, no alternative proposals to the statutory allocation have been made.

3.0 OPTIONS

To agree the allocation

To not agree the allocation

To propose an alternative allocation to which all Councillors are agreed.

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:		
<p>Monitoring Officer's advice Paragraph 1 above sets out the officer's advice on the provisions of the legislation.</p> <p>The first duty is to decide whether to carry out a review. This has been carried out to reflect the political groupings and changed allegiances.</p>		

A second duty [section 15(3)] is then triggered to **allocate to the different political groups** the seats which fall to be filled by appointments made from time to time by the Council. There are 123 seats which fall into this category.

Once the duty to allocate seats has been complied with a new duty is triggered. This is found in section 16(1). It is the duty when appointing to Committees etc to give effect to such wishes as are expressed by a political group. This means that once a political group has been given their allocation of seats on each committee it is in the gift of the political Group or their Leader to determine who should be appointed to those committees. They can choose a member of their Group or gift it to anyone else outside their group. Full Council is then obliged to agree to the expressed wishes of the Groups.

In terms of allocating seats to any non-aligned councillors, 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 five (5).

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
- (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.

Legality of decisions

The question arises about the legality of decisions taken by full Council and Council committees following allocation of seats lawfully or unlawfully. Section 16(3) states that the proceedings of a body to which section 15 applies shall not be invalidated by any defect by virtue of this section or that section in the appointment of any person to that body.

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>

Appendix 1

Con	Lib D	Indep	AIG	Green	Lab	IndInd 1	
24/54	16/54	6/54	4/54	2/54	1/54	1/54	54
44.44%	29.62%	11.11%	7.40%	3.70%	1.85%	1.85%	100

		24	16	6	4	2	1	1	Seats remaining to be allocated non groups	
	seats	C	LD	Indep	AIG	Green	Lab	In/1	5	Notes
Audit and Governance Committee	11	5	3	1	1		A	A		<p>Nine (9) seats need to be allocated. Greens have four seats to allocate. The question marks (1?) are place holders as examples. The remaining five seats are allocated to the ungrouped.</p> <p>The A (“available”) shows where those seats might be and are just place holders. By law the Green party get first choice of the nine (9) seats and then the ungrouped divide what is left between them.</p>
CEO Remuneration Committee	5	2	2	1	0					
Corporate Policy and Performance Committee	9	4	3	1	1					
Corporate Support Committee	11	5	3	1	1		A	A		
Economic Committee	11	5	3	1	1		A	A		
Electoral Review Committee	5	2	2	1	0					
Environmental and Neighbourhood Services Committee	11	5	3	1	1	1?				
Licensing Committee	11	5	3	1	1		A	A		
Planning Committee	11	5	3	1	1	1?				
Planning Policy Committee	11	5	3	1	1	1?				

Residential and Wellbeing Committee	11	5	3	1	1	1?				Thus in the final settlement the "1?" and the "A" might change places depending on which seats Greens choose first.
SOID Committee	5	2	2	1	0					
Standards Committee	11	5	3	1	1		A	A		
Total	123	55	36	13	10	4			5	