

County Council

26 May 2021

Appointment of Council Bodies and Allocation of Seats to Political Groups under Section 15 of the Local Government and Housing Act 1989



Report of Corporate Management Team

Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To appoint Committees and the Corporate Parenting Panel in accordance with the Council's Constitution and within the terms of reference set out therein.
- 2 To determine the allocation of seats among the political groups represented on the Council on Committees in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

Executive summary

- 3 The Council is required at its annual meeting to decide which committees and sub-committees to establish for the year, their size and terms of reference, and determine the allocation of seats to political groups represented on the Council on Committees in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

Recommendation

- 4 The Council is asked to consider the following:
 - (a) that the Council appoints the Committees as shown in Appendix 2 in accordance with the Constitution and with the Terms of Reference set out therein;

- (b) that in respect of the total number of seats on Committees, the Council determines the total allocation of seats to each political group (Appendix 2) and, subject to any necessary adjustments arising from that determination, agrees the indicative allocation of seats on each as shown in the appendix;
- (c) that the Head of Legal and Democratic Services be authorised, in consultation with the relevant Group Leader, to determine any further necessary adjustments to be made to individual Committee and Sub-Committee allocations in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;
- (d) that the Head of Legal and Democratic Services be authorised to allocate seats to political groups in respect of any sub-committee which might be established from time to time, in accordance with the provisions of Sections 15 and 16 of the 1989 Act and to make any necessary adjustments in respect of Area Action Partnership representation and Area Planning Committee membership.
- (e) that the Council appoints the Corporate Parenting Panel in accordance with the Constitution and with the Terms of Reference set out therein, and determines the allocation of seats to each political group (Appendix 2) and, subject to any necessary adjustments arising from that determination, agrees the indicative allocation of seats as shown in the appendix;
- (f) that the Council appoints the Health and Wellbeing Board in accordance with the Constitution and with the Terms of Reference set out therein, and agrees the allocation of seats as shown in Appendix 3.

Background

- 5 Section 15 of the 1989 Act (Duty to Allocate Seats to Political Groups) sets out the requirements as to political proportionality on Council bodies and requires the Council, in allocating seats on committees and sub-committees of the Council to political groups, to give effect, so far as practicable, to the following four principles:
- (a) that not all seats on the committee/sub-committee are allocated to the same political group;
 - (b) that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
 - (c) that, subject to (a) and (b) above, the number of seats on the Council's committees and sub-committees allocated to each political group, bears the same proportion to the total number of such committee/sub-committee seats as the number of members of that group bears to the membership of the full Council, and
 - (d) that, subject to (a) to (c) above, seats will be allocated on each committee and sub-committee in the same ratio as exists on the full Council.
- 6 Section 16 of the 1989 Act (Duty to Give Effect to Allocations) requires the Council to give effect to the allocations determined as set out above in accordance with the wishes of the relevant group.
- 7 Appendix 2 sets out a schedule of committees detailing the proportionate distribution of seats among groups (i.e. Labour Group, Conservative Group, Liberal Democrat Group, The Durham Group, Durham County Council Independent Group, and Spennymoor and Tudhoe Independent Group). There is one elected member of the Council who does not wish to be part of a group, and is therefore not entitled to be allocated seats on committees or sub-committees.
- 8 The distribution of seats between groups has therefore been calculated on a proportional split of the 125 seats, as opposed to 126. In each case the determination of seat numbers has followed the general principle of rounding up or down. There will therefore need to be some adjustment to the resulting distribution in order to correct the consequences of this and to give effect to the principles in Section 15 of the 1989 Act as set out in paragraph 5 above.
- 9 Appendix 2 also sets out how the seats on the Corporate Parenting Panel would be allocated on the basis of political proportionality as in-line with previous years. The determination of seat numbers has

followed the general principle of rounding up or down. Again, there will therefore need to be some adjustment to the resulting distribution in order to correct the consequences of this and to give effect to the principles in Section 15 of the 1989 Act as set out in paragraph 5 above.

- 10 The composition of Area Planning Committees will continue to be based on 8 Countywide Members and 8 Local Members.
- 11 The Head of Legal and Democratic Services will consult and re-allocate seats with the relevant parties should the membership of Area Action Partnerships require adjustment.
- 12 The Health and Wellbeing Board which came into effect on 1 April 2013 is a committee of the Council, and its composition is set out in Appendix 3. Council is required to confirm the appointment of the Board, and the allocation of seats, whose terms of reference are contained in the Council's Constitution.

Contact: Helen Lynch
Ros Layfield

Tel: 03000 269732
Tel: 03000 269708

Appendix 1: Implications

Legal Implications – As set out in the report to make appointments in line with the requirements of Sections 15 and 16 of the Local Government and Housing Act 1989.

Finance – None specific within this report

Staffing – None specific within this report

Risk – None specific within this report

Equality and Diversity/ Public Sector Equality Duty – None specific within this report

Climate Change- None specific within this report

Accommodation – None specific within this report

Crime and Disorder – None specific within this report

Human Rights – None specific within this report

Procurement – None specific within this report

Disability Issues – None specific within this report

Consultation – As set out in the report

Appendix 2: Allocation of seats to each political group

		Labour		Conservative		Liberal Democrat		Durham Group		DCCIG		Spenny and Tudhoe	
		53		24		17		17		11		3	
		42.40%		19.20%		13.60%		13.60%		8.80%		2.40%	
Corporate Overview and Scrutiny Management Board	26	11	11.02	5	4.99	4	3.54	4	3.54	2	2.29	1	0.62
Adults, Wellbeing and Health O/S Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Children and Young People's O/S Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Economy and Enterprise O/S Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Env and Sustainable Communities O/S Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Safer and Stronger Communities O/S Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Appeals and Complaints Cttee	30	13	12.72	6	5.76	4	4.08	4	4.08	3	2.64	1	0.72
Highways Cttee	21	9	8.9	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
General Licensing and Registration Cttee	27	11	11.45	5	5.18	4	3.67	4	3.67	2	2.38	1	0.65
County Planning Cttee	16	7	6.78	3	3.07	2	2.18	2	2.18	1	1.41	0	0.38
Area Planning Cttee (North Durham)	16	7	6.78	3	3.07	2	2.18	2	2.18	1	1.41	0	0.38
Area Planning Cttee (Central and East Durham)	16	7	6.78	3	3.07	2	2.18	2	2.18	1	1.41	0	0.38
Area Planning Cttee (South and West Durham)	16	7	6.78	3	3.07	2	2.18	2	2.18	1	1.41	0	0.38
Pension Fund Cttee	11	5	4.66	2	2.11	2	1.5	2	1.5	1	0.97	0	0.26
Chief Officer Appointments Cttee	11	5	4.66	2	2.11	2	1.5	2	1.5	1	0.97	0	0.26
Audit Cttee	9	4	3.82	2	1.73	1	1.22	1	1.22	1	0.79	0	0.22
Standards Cttee	11	5	4.66	2	2.11	2	1.5	2	1.5	1	0.97	0	0.26
TOTAL	315	136	133.5	60	60.45	45	42.89	45	42.89	27	27.75	9	7.51
SEAT ALLOCATION		133.5	-2.5	60	0	43	-2	43	-2	28	plus 1	7.5	-1.5
Corporate Parenting Panel	21	9	8.904	4	4.03	3	2.86	3	2.86	2	1.85	1	0.5
Statutory Licensing Cttee	15	6	6.36	3	2.88	2	2.04	2	2.04	1	1.32	0	0.36

Appendix 3: Composition of the Health and Wellbeing Board

- Three representatives nominated by the Leader (currently being):-
 - Portfolio Holder for Adult and Health Services;
 - Portfolio Holder for Transformation;
 - Portfolio Holder for Children and Young People's Services.
- Representation from each Clinical Commissioning Group;
- A representative from Local Healthwatch;
- Corporate Director of Adult and Health Services;
- Corporate Director of Children and Young People's Services;
- Director of Public Health;
- Director of Integration (a joint representative of Durham County Council, and Health partners);
- A representative from the housing section (Housing Solutions).

and nominated representation from each of the following:-

- Chief Executive of Tees Esk and Wear Valley NHS Foundation Trust;
- Chief Executive of County Durham and Darlington NHS Foundation Trust;
- Chief Executive of City Hospitals Sunderland NHS Foundation Trust;
- Chief Executive of North Tees and Hartlepool NHS Foundation Trust;
- Chief Executive of Harrogate and District NHS Foundation Trust;
- Office of Police, Crime and Victims Commissioner;
- Office of County Durham and Darlington Fire and Rescue Service;
- Housing Service.