

**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 recommended to:
 - (a) appoint the Committees as shown in Appendix 2 in accordance with the Constitution and with the Terms of Reference set out therein;

- (b) in respect of the total number of seats on Committees, to determine the total allocation of seats to each political group and, subject to any necessary adjustments arising from that determination, agree the allocation of seats on each as shown in the Appendix 2;
- (c) authorise the Head of Legal and Democratic Services, 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) authorise the Head of Legal and Democratic Services 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.
- (e) to appoint the Corporate Parenting Panel in accordance with the Constitution and with the Terms of Reference set out therein, and determine the allocation of seats to each political group (Appendix 2) and, subject to any necessary adjustments arising from that determination, agree the allocation of seats on each as shown in the Appendix 2;
- (f) to appoint the Health and Wellbeing Board in accordance with the Constitution and with the Terms of Reference set out therein, and agree the allocation of seats as shown in Appendix 4.

Background

- 5 Section 15 of the Local Government and Housing Act 1989 (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 Of the total of 126 members on the County Council the number of members in each political group and their proportion of 126 is as follows:

Political Grouping	Number of seats on Council	Percentage entitlement
Labour	56	44.44%
Conservative	22	17.46%
Liberal Democrat	17	13.49%
Durham Group	13	10.32%
Durham County Council Independent Group	9	7.14%
Spennymoor and Tudhoe Independent Group	3	2.38%
The Unaligned Group	3	2.38%
The County Durham Independent Group	3	2.38%
Total	126	99.99%

- 7 Section 15 of the Local Government and Housing Act 1989 (Duty to Give Effect to Allocations) requires the Council to give effect to these principles so far as reasonably practicable. This recognises that there cannot be an exact application of the rules.
- 8 The distribution of seats between groups has therefore been calculated on a proportional split of the 126 seats. In each case the determination of seat numbers has followed the general principle of rounding up or down.
- 9 There has been some adjustment to the resulting distribution to correct the consequences of this and to give effect to the principles in Section 15 of the Local Government and Housing Act 1989 as set out in paragraphs 5 and 7 above. The resulting allocation of seats is attached at Appendix 2.
- 10 Appendix 2 also sets out how the seats on the Corporate Parenting Panel and Statutory Licensing Committee 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 has been some adjustment to the resulting distribution to correct the consequences of this and to give effect to the principles in Section 15 of the Local Government and Housing Act 1989 as set out in paragraph 5 above.
- 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 4. 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

Tel: 03000 269732

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

Committee	Seats	LAB	CON	LIB	DG	DCCIG	ST	TUG	CDI
Corporate Overview and Scrutiny Management Board	26	11	4	3	3	2	1	1	1
Adults, Wellbeing and Health Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Children and Young People's Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Economy and Enterprise Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Environment and Sustainable Communities Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Safer and Stronger Communities Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Appeals and Complaints Committee	30	13	5	4	3	2	1	1	1
Highways Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		

Committee	Seats	LAB	CON	LIB	DG	DCCIG	ST	TUG	CDI
General Licensing and Registration Committee	27	12	5	3	3	2	Two seats between DCCIG/ST/TUG/CDI		
County Planning Committee	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (North Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (Central and East Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (South and West Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Pension Fund Committee	11	5	2	2	1	1	0	0	0
Chief Officer Appointments Committee	11	5	2	2	1	1	0	0	0
Audit Committee	9	4	2	1	1	1	0	0	0
Standards Committee	11	5	2	2	1	1	0	0	0

Committee	Seats	LAB	CON	LIB	DG	DCCIG	ST	TUG	CDI
Corporate Parenting Panel	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Statutory Licensing Committee	15	7	3	2	2	1	0	0	0

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 Children and Young People's Services;
 - Deputy Leader and Portfolio Holder for Finance
- North East and North Cumbria Integrated Care Board;
- North East and North Cumbria Integrated Health System
- A representative from Healthwatch County Durham;
- Corporate Director of Adult and Health Services;
- Corporate Director of Children and Young People's Services;
- Corporate Director of Regeneration, Economy and Growth;
- Director of Public Health;
- Director of Integrated Community Services (a joint representative of Durham County Council, and Health partners);

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 South Tyneside and 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 the Durham Police and Crime Commissioner;
- County Durham and Darlington Fire and Rescue Service;