

# County Council

25 May 2016



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

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### **Report of Colette Longbottom, Head of Legal and Democratic Services**

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#### **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 Section 15 of the Local Government and Housing Act 1989.

#### **Background**

- 3 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:
  - (i) that not all seats on the committee/sub-committee are allocated to the same political group;
  - (ii) that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
  - (iii) that, subject to (i) and (ii) 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
  - (iv) that, subject to (i) to (iii) above, seats will be allocated on each committee and sub-committee in the same ratio as exists on the full Council.
- 4 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.

- 5 The attached Appendix 1 sets out a schedule of all committees, sub-committees and Scrutiny Committees detailing the proportionate distribution of seats among groups (i.e. Labour Group, Durham Independent Group, Liberal Democrat Group, Conservative Group, and Durham County Council Independent Group). There are two elected members who do not wish to be treated as part of a group, and will therefore not be allocated seats on committees or sub-committees as they are not in a group. The distribution of seats between groups has therefore been calculated on a proportional split of the 124 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 3 above. This has taken place and the resulting allocation of seats is attached at Appendix 2.
- 6 Appendix 1 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, and Appendix 2 sets out the resulting distribution of the 40 seats on the Panel.
- 7 The composition of Area Planning Committees will continue to be based on 8 Countywide Members and 8 Local Members.
- 8 The Head of Legal and Democratic Services will consult and reallocate seats with the relevant parties should the membership of Area Action Partnerships require adjustment.
- 9 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.

### **Recommendations and reasons**

- 10 (i) that the Council appoints the Committees and Sub-Committees as shown in Appendix 1 in accordance with the Constitution and with the Terms of Reference set out therein;
- (ii) that in respect of the total number of seats on Committees and Sub Committees, the Council determines the total allocation of seats to each political group (Appendix 1) and, subject to any necessary adjustments arising from that determination, agrees the allocation of seats on each Committee and Sub-Committee as shown in the Appendix 2;
- (iii) 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;

- (iv) that the Head of Legal and Democratic Services be authorised to allocate seats to political groups in respect of any further 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.
- (v) that the Council's Corporate Parenting Panel with the allocation of seats set out above be approved and that such seats be filled in accordance with the wishes of the relevant political group.
- (vi) 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.

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## Appendix 1: Proportionate Distribution of Seats

		Labour		DIG		Lib Dem		Cons		DCC Ind Grp		Ind		Ind	
		96		13		9		4		2		1		1	
		77.42%		10.48%		7.26%		3.23%		1.61%					
Overview and Scrutiny Management Board	26	20	20.13	3	2.73	2	1.89	1	0.84	0	0.42		0.00		0.00
Corporate Issues O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Adults, Wellbeing and Health O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Children and Young People's O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Economy and Enterprise O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Env & Sustainable Communities O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Safer and Stronger Communities O/S Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Appeals and Complaints Cttee	30	23	23.23	3	3.15	2	2.18	1	0.97	0	0.48		0.00		0.00
Highways Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
Human Resources Cttee	21	16	16.26	2	2.20	2	1.52	1	0.68	0	0.34		0.00		0.00
General Licensing & Registration Cttee	27	21	20.90	3	2.83	2	1.96	1	0.87	0	0.44		0.00		0.00
County Planning Countywide Cttee	16	12	12.39	2	1.68	1	1.16	1	0.52	0	0.26		0.00		0.00
Area Planning Cttee (North Durham)	16	12	12.39	2	1.68	1	1.16	1	0.52	0	0.26		0.00		0.00
Area Planning Cttee (Central & East Durham)	16	12	12.39	2	1.68	1	1.16	1	0.52	0	0.26		0.00		0.00
Area Planning Cttee (South & West Durham)	16	12	12.39	2	1.68	1	1.16	1	0.52	0	0.26		0.00		0.00
Pension Fund Cttee	11	9	8.52	1	1.15	1	0.80	0	0.35	0	0.18		0.00		0.00
Chief Officer Appointments Cttee	11	9	8.52	1	1.15	1	0.80	0	0.35	0	0.18		0.00		0.00
Audit Cttee	9	7	6.97	1	0.94	1	0.65	0	0.29	0	0.15		0.00		0.00
Standards Cttee	11	9	8.52	1	1.15	1	0.80	0	0.35	0	0.18		0.00		0.00
<b>TOTAL</b>	<b>357</b>	<b>274</b>	<b>276.43</b>	<b>37</b>	<b>37.42</b>	<b>30</b>	<b>25.88</b>	<b>15</b>	<b>11.54</b>	<b>0</b>	<b>5.79</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>SEAT ALLOCATION</b>		<b>276</b>	<b>2</b>	<b>37</b>	<b>0</b>	<b>26</b>	<b>-4</b>	<b>12</b>	<b>-3</b>	<b>6</b>	<b>6</b>	<b>0</b>		<b>0</b>	
Corporate Parenting Panel	40	31	30.97	4	4.19	3	2.90	1	1.29	1	0.65		0.00		0.00
Statutory Licensing Cttee	15	12	11.61	2	1.57	1	1.09	0	0.48	0	0.24		0.00		0.00

## Appendix 2: Allocation of Seats

		Labour		DIG		Lib Dem		Cons		DCC Ind Grp		Ind		Ind	
		96		13		9		4		2		1		1	
		77.42%		10.48%		7.26%		3.23%		1.61%					
Overview and Scrutiny Management Board	26	21		2		2		1		0			0		0
Corporate Issues O/S Cttee	21	16		2		2		1		0			0		0
Adults, Wellbeing and Health O/S Cttee	21	16		2		1		1		1			0		0
Children and Young People's O/S Cttee	21	18		2		1		0		0			0		0
Economy and Enterprise O/S Cttee	21	16		2		2		1		0			0		0
Env & Sustainable Communities O/S Cttee	21	16		2		2		0		1			0		0
Safer and Stronger Communities O/S Cttee	21	17		2		2		0		0			0		0
Appeals and Complaints Cttee	30	23		3		2		1		1			0		0
Highways Cttee	21	16		2		2		1		0			0		0
Human Resources Cttee	21	16		2		1		1		1			0		0
General Licensing & Registration Cttee	27	21		4		2		0		0			0		0
County Planning Countywide Cttee	16	12		2		1		1		0			0		0
Area Planning Cttee (North Durham)	16	12		3		1		0		0			0		0
Area Planning Cttee (Central & East Durham)	16	14		1		1		0		0			0		0
Area Planning Cttee (South & West Durham)	16	13		2		0		1		0			0		0
Pension Fund Cttee	11	8		1		1		0		1			0		0
Chief Officer Appointments Cttee	11	8		1		1		1		0			0		0
Audit Cttee	9	6		1		1		1		0			0		0
Standards Cttee	11	9		1		1		0		0			0		
<b>TOTAL</b>	<b>357</b>	<b>278</b>		<b>37</b>		<b>26</b>		<b>11</b>		<b>5</b>			<b>0</b>		<b>0</b>
<b>SEAT ALLOCATION</b>		<b>276</b>		<b>37</b>		<b>26</b>		<b>12</b>		<b>6</b>					
Corporate Parenting Panel	40	31		4		3		1		1					
Statutory Licensing Cttee	15	12		2		1		0		0					

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### **Appendix 3: Composition of the Health and Wellbeing Board**

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- Representatives nominated by the Leader (from 1 April 2013 these were:-
  - Portfolio Holder for Adult and Health Services;
  - Portfolio Holder for Safer Communities;
  - Portfolio Holder for Children and Young People's Services);
- Representation from each Clinical Commissioning Group;
- A representative from Local Healthwatch;
- Corporate Director Children and Adults Services;
- Director of Public Health
- 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 Foundation Trust;
  - Chief Executive of City of Sunderland NHS Foundation Trust;
  - Chief Executive of North Tees and Hartlepool NHS Foundation Trust;