

NORTH YORKSHIRE COUNTY COUNCIL

13 November 2019

Allocations Committee Recommendations

1.0 Purpose of report

- 1.1 To bring to the attention of Council the outcome of the deliberations of the Allocations Committee and make recommendations for changes to the allocation of seats on and appointment to Committees subject to proportional representation.

2.0 Allocations Committee

- 2.1 The Allocations Committee is made up of the Group Leaders. It met on 4 November 2019 to consider the impact of recent changes to the political make-up of the Council and what this meant for proportional representation. County Councillors Carl Les, Stuart Parsons and Eric Broadbent attended the meeting. Cllr Geoff Webber was unable to attend but participated in the meeting via telephone.

3.0 Changes since the last meeting of the committee on 12 October 2018

- 3.1 Since the last meeting of the committee, there have been changes to the political make-up of the Council. Prior to these changes the basis on which the current entitlement for seats under proportionality was calculated, looked like this:

Party	Council seats
Conservative	53
NY Independent	8
Labour	4
Liberal	4
Unaffiliated (RH)	1
Unaffiliated (AS)	1
Unaffiliated (MJ-YP)	1
Total	72

- 3.2 The changes to the political make-up of the Council that have since occurred are as follows:

- The election of Councillor Yvonne Peacock, Conservative, to the Upper Dales Division, which was previously held by the NY Independents
- The resignation of Councillor Andrew Jenkinson from the Conservative Party and his decision to serve an unaffiliated Independent.

- 3.3 The number of County Councillors by political party is now as below:

Party	Council seats	Change
Conservative	53	Lose 1 gain 1 - so no overall change
NY Independent	7	Lose 1
Labour	4	No change
Liberal	4	No change
Unaffiliated (RH)	1	No change
Unaffiliated (AS)	1	No change
Unaffiliated (MJ)	1	No change
Unaffiliated (AJ)	1	Gain 1
Total	72	

3.4 The changes outlined above have an impact upon the allocation of seats in Council Committees under proportionality.

4.0 Political balance guidance

4.1 The Local Government and Housing Act 1989 introduced a requirement that certain appointments should be proportionate to the political composition of the Council.

4.2 The Council or the Committee must give effect to principles set out in the statutory provisions. The principles are:

- 1) All the seats must not be allocated to the same political group.
- 2) The majority of the seats must be allocated to the political group (if any) that holds the majority of seats on the Council.
- 3) Subject to 1) and 2), in the case of ordinary committees, the number of seats on the ordinary committees which are allocated to each political group must bear the same proportion to the total of all the seats on the ordinary committees as is borne by the number of members of that group to the membership of the Council.

4.3 Please note that “Ordinary Committees” of this Council are: Chief Officer Appointments and Disciplinary Committee; Employment Appeals Committee; Pension Fund Committee; Planning and Regulatory Functions Committee; (Transport) Appeals Committee and Standards Committee.

4.4 Scrutiny committees and Audit are not “ordinary committees”.

4.5 This means that it is necessary to add up the total number of seats on all the ordinary committees. If a group represents, for example, three quarters of the membership of the Council, it is entitled to three quarters of the total number of seats on all ordinary committees.

4.6 This means that on some ordinary committees a group may have more members than the application of the next principle would justify. It provides an allowance for the fact that calculating the proportion will not usually lead to whole numbers.

4.7 The Council is responsible for deciding on which ordinary committee the balancing seats should be.

- 4) Subject to 1), 2) and 3), the number of seats on any body which are allocated to each political group must bear the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Council.

4.8 Broadly this means that if a group represents three quarters of the membership of the Council, it is entitled to three quarters of the seats on the body.

4.9 The duty on the Council is to give effect to these principles *so far as reasonably practicable*. This recognises that there cannot be an exact application of the rules.

4.10 Co-optees are ignored in calculating political balance except for any co-opted member with voting rights appointed to a committee with education functions under section 13(5) Local Government and Housing Act 1989 - see section 15 of that Act.

5.0 Analysis

5.1 An analysis of the current allocation of seats suggested that:

- Conservatives are under-represented by 1 seat Ordinary Committees (28 actual vs 29.44 entitled)
- NY Independents are over-represented by 1 seat on Scrutiny and Audit (8 actual vs 7.10 entitled)
- Labour are over-represented by 1 seat on Ordinary Committees (3 actual vs 2.22 entitled)
- Liberal Democrats are proportionately represented on both Scrutiny and Audit and Ordinary Committees (6 actual vs. 6.28 entitled)
- The three unaffiliated Independents are all proportionately represented on both Scrutiny and Audit and Ordinary Committees (2 actual vs 1.57 entitled each)
- Councillor Andrew Jenkinson is under-represented by 1 seat on Scrutiny and Audit (0 actual vs 1.01 entitled) and by 1 seat on Ordinary Committees (0 actual vs 0.56 entitled).

5.2 It is expected that every County Councillor has a place on either an overview and scrutiny committee or on the Audit Committee.

5.3 During the period of this Council it has been the practice to allocate 1 seat on Scrutiny and Audit committees and 1 seat on Ordinary Committees to each of the unaffiliated Independents.

6.0 Recommendation to Council

The following changes are recommended:

Scrutiny and Audit

- Cllr Stuart Parsons to come off Corporate and Partnerships Overview and Scrutiny Committee
- Conservatives to appoint to the vacancy in the Corporate and Partnerships Overview and Scrutiny Committee (Councillor to be confirmed)
- Cllr Andrew Jenkinson to be appointed to the Care and Independence Overview and Scrutiny Committee (the committee that he was on when a Conservative Councillor)

Ordinary Committee

- Cllr Stephanie Duckett to come off the Appeals Committee (Home to School Transport)
- Cllr Andrew Jenkinson to be appointed to the Appeals Committee (Home to School Transport).

Barry Khan
 Assistant Chief Executive (Legal and Democratic Services)
 County Hall
 Northallerton
 DH – 5 November 2019.