

## NORTH YORKSHIRE COUNTY COUNCIL

19 February 2020

### 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 14 February 2020 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, Geoff Webber and Eric Broadbent attended the meeting.

#### 3.0 Changes since the last meeting of the committee on 4 November 2019

- 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	7
Labour	4
Liberal	4
Unaffiliated (RH)	1
Unaffiliated (AS)	1
Unaffiliated (MJ-YP)	1
Unaffiliated (AJ)	1
<b>Total</b>	<b>72</b>

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

- The decision of County Councillor Mike Jordan to stop sitting as an unaffiliated Independent and to join the North Yorkshire Independents group
- The resignation of County Councillor Andrew Backhouse from the Conservative Party and his decision to join the North Yorkshire Independents group.

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

Party	Council seats	Change
Conservative	52	Lost 1
NY Independent	9	Gained 2
Labour	4	No change
Liberal	4	No change
Unaffiliated (RH)	1	No change
Unaffiliated (AS)	1	No change
Unaffiliated (MJ)	0	Lost 1
Unaffiliated (AJ)	1	No change
<b>Total</b>	<b>72</b>	

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 over-represented by 1 seat Scrutiny and Audit (54 actual vs 52.72 entitled)
- Conservatives are under-represented by 1 seat on Ordinary Committees (28 actual vs. 28.89 entitled)
- NY Independents are under-represented by 2 seats on Scrutiny and Audit (7 actual vs 9.13 entitled)
- NY Independents are under-represented by 1 seat on Ordinary Committees (4 actual vs 5 entitled)
- County Councillor Mike Jordan is over-represented by 1 seat on Scrutiny and Audit (1 actual vs 0 entitled) and over-represented by 1 seat on Ordinary Committees (1 actual vs 0 entitled).

The complete calculation is attached in Appendix 1.

5.2 It is expected, although not required, 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

- County Councillor Mike Jordan to continue to have a seat on the Corporate and Partnerships Overview and Scrutiny Committee but as a member of the NY Independents group
- Conservative County Councillor Stuart Martin MBE to give up his seat on the Care and Independence Overview and Scrutiny Committee
- NY Independents County Councillor Andrew Backhouse to take up the vacant seat on the Care and Independence Overview and Scrutiny Committee.

### Ordinary Committee

- County Councillor Mike Jordan to continue to have a seat on the Planning and Regulatory Functions Committee but as a member of the NY Independents group.

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Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton  
DH – 14 February 2020.

Political Balance Calculation

	SEATS	Conservative			NY Independent			Labour			Liberal Democrat			Independent RH			Independent AS			Independent MJ			Independent AJ		
		PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF	PROP	ACT	DIFF
Care and Independence	13	9.39	9	0.39	1.63	1	0.63	0.72	1	0.28	0.72	1	0.28	0.18	0	-0.18	0.18	0	-0.18	0.00	0	0.00	0.18	1	0.82
Children and Young People	13	9.39	10	0.61	1.63	2	0.38	0.72	1	0.28	0.72	0	-0.72	0.18	0	-0.18	0.18	0	-0.18	0.00	0	0.00	0.18	0	-0.18
Corporate and Partnerships	13	9.39	10	0.61	1.63	0	1.63	0.72	1	0.28	0.72	1	0.28	0.18	0	-0.18	0.18	0	-0.18	0.00	1	1.00	0.18	0	-0.18
Scrutiny of Health	13	9.39	10	0.61	1.63	1	0.63	0.72	1	0.28	0.72	0	-0.72	0.18	0	-0.18	0.18	1	0.82	0.00	0	0.00	0.18	0	-0.18
Transport, Economy & Environment	13	9.39	9	0.39	1.63	2	0.38	0.72	0	-0.72	0.72	1	0.28	0.18	1	0.82	0.18	0	-0.18	0.00	0	0.00	0.18	0	-0.18
Audit	8	5.78	6	0.22	1.00	1	0.00	0.44	0	-0.44	0.44	1	0.56	0.11	0	-0.11	0.11	0	-0.11	0.00	0	0.00	0.11	0	-0.11
<b>TOTALS SCRUTINY</b>	<b>73</b>	<b>52.72</b>	<b>54</b>	<b>1.28</b>	<b>9.13</b>	<b>7</b>	<b>-2.13</b>	<b>4.06</b>	<b>4</b>	<b>-0.06</b>	<b>4.06</b>	<b>4</b>	<b>-0.06</b>	<b>1.01</b>	<b>1</b>	<b>-0.01</b>	<b>1.01</b>	<b>1</b>	<b>-0.01</b>	<b>0.00</b>	<b>1</b>	<b>1.00</b>	<b>1.01</b>	<b>1</b>	<b>-0.01</b>
Chief Officer Appointments and Discip	8	5.78	5	-0.78	1.00	1	0.00	0.44	1	0.56	0.44	1	0.56	0.11	0	-0.11	0.11	0	-0.11	0.00	0	0.00	0.11	0	-0.11
Employment Appeals Committee	4	2.89	3	0.11	0.50	0	-0.50	0.22	0	-0.22	0.22	1	0.78	0.06	0	-0.06	0.06	0	-0.06	0.00	0	0.00	0.06	0	-0.06
Pension Fund	8	5.78	6	0.22	1.00	1	0.00	0.44	0	-0.44	0.44	0	-0.44	0.11	0	-0.11	0.11	1	0.89	0.00	0	0.00	0.11	0	-0.11
Planning and Regulatory Functions Co	11	7.94	7	-0.94	1.38	1	-0.38	0.61	1	0.39	0.61	0	-0.61	0.15	1	0.85	0.15	0	-0.15	0.00	1	1.00	0.15	0	-0.15
(Transport) Appeals Committee	4	2.89	3	0.11	0.50	0	-0.50	0.22	0	-0.22	0.22	0	-0.22	0.06	0	-0.06	0.06	0	-0.06	0.00	0	0.00	0.06	1	0.94
Standards	5	3.61	4	0.39	0.63	1	0.38	0.28	0	-0.28	0.28	0	-0.28	0.07	0	-0.07	0.07	0	-0.07	0.00	0	0.00	0.07	0	-0.07
<b>TOTALS ORDINARY</b>	<b>40</b>	<b>28.89</b>	<b>28</b>	<b>-0.89</b>	<b>5.00</b>	<b>4</b>	<b>-1.00</b>	<b>2.22</b>	<b>2</b>	<b>-0.22</b>	<b>2.22</b>	<b>2</b>	<b>-0.22</b>	<b>0.56</b>	<b>1</b>	<b>0.44</b>	<b>0.56</b>	<b>1</b>	<b>0.44</b>	<b>0.00</b>	<b>1</b>	<b>1.00</b>	<b>0.56</b>	<b>1</b>	<b>0.44</b>
<b>TOTAL</b>	<b>113</b>	<b>81.61</b>	<b>82</b>	<b>0.39</b>	<b>14.13</b>	<b>11</b>	<b>-3.13</b>	<b>6.28</b>	<b>6</b>	<b>-0.28</b>	<b>6.28</b>	<b>6</b>	<b>-0.28</b>	<b>1.57</b>	<b>2</b>	<b>0.43</b>	<b>1.57</b>	<b>2</b>	<b>0.43</b>	<b>0.00</b>	<b>2</b>	<b>2.00</b>	<b>1.57</b>	<b>2</b>	<b>0.43</b>

Key:

SEATS – the number of seats that are available on each committee

PROP – the proportional allocation of seats based upon the number of County Councillors in different parties, as of today

ACT – the actual number of seats that have been previously allocated, based upon the number of County Councillors in different parties, as of the previous calculation in November 2019

DIFF – the difference between the currently allocated seats (4 November 2019) and what should be allocated taking into account the changes to Council membership and the subsequent required proportionality

COLOUR CODE – blue means over represented and red means under-represented

The task is to ensure that the number of seats in the ACT column is the same as the number of seats in the PROP column (taking into account rounding to whole numbers).