



# Ryedale District Council

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**REPORT TO:** COUNCIL

**DATE:** 12 JULY 2007

**REPORTING OFFICER:** Anthony Winship  
COUNCIL SOLICITOR

**SUBJECT:** SIZE AND POLITICAL COMPOSITION OF  
COMMITTEES

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## 1.0 PURPOSE OF REPORT

- 1.1** To review the political composition of Committees following the by-election held in the Pickering East Ward on 21 June 2007, the subsequent formation by Councillors Clark and Woodward of the Liberal Group and the sudden death of the late Councillor Wood.
- 1.2** To achieve minimal change and reflect as closely as possible the composition most recently agreed at the Annual Meeting of Council on the 17 May 2007.

## 2.0 RECOMMENDATIONS

That Council decides the political composition of the Committees.

The Officer recommendations are as follows:

1. That the size of the Committees is that specified in New Annex A/1;
2. That the Council divides Committee seats in accordance with the allocation shown at the attached New Annex A/1;
3. That the membership of the Committees remains the same as appointed at the Councils Annual Meeting on 17 May 2007 subject to the following changes:
  - (i) the removal of one Member of the Conservative group from the Community Services & Licensing Committee (name member) and the appointment of the Conservative Member to the Overview & Scrutiny Committee;
  - (ii) One named Member of the Liberal Group be appointed to either the Policy and Resources Committee or the Community Services and Licensing Committee and that Councillor Paul Andrews be appointed to whichever of those two Committees the Liberal Group do not have a seat.
  - (iii) Should Councillor Clark be appointed to one of the two policy Committees, then the removal of Councillor Clark from the Overview and Scrutiny Committee and the appointment of Councillor Woodward to the Overview and Scrutiny Committee would be required.
  - (iv) The appointment of one named Member of the Liberal Group to the Planning Committee.

4. That the membership of the Licensing Committee be the same Members as appointed to the Community Services and Licensing Committee as amended above.
5. The Chairmen and Vice Chairmen of Committees remains the same.
6. That membership of the Standards Committee remains unchanged.
7. That the Chief Executive be authorised to make consequential amendments to the Constitution arising from the changes referred to above.

### **3.0 REASONS SUPPORTING DECISION**

To comply with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

### **4.0 BACKGROUND**

- 4.1 Members will be aware that the allocation of seats on Committees to each political group on the basis of political proportionality and the appointment of Members to Committees took place at the Annual Council meeting on 17 May 2007. The existing allocation of seats to political groups and the appointment of Members to Committees is attached as Annex A and Annex B.
- 4.2 Members are advised that the following events mean that the calculations on political proportionality need to be reviewed:-
  - 4.2.1 The election of Councillor Woodward for the Pickering East Ward at the District Council election on 21 June 2007; and
  - 4.2.2 The receipt of a Notice of Constitution of a Political Group dated 26 June 2007 served pursuant to regulation 8 of the Local Government (Committees and Political Groups) Regulation 1990. This notice indicates that Councillor Clark and Councillor Woodward wish to be treated as a new political group known as the Liberal Group. The Group Leader is specified as Councillor Clark;
- 4.3 Ryedale District Council is to be treated as being divided into different political groups for the purposes of the Local Government and Housing Act 1989, because at least one political group has been constituted in the prescribed way.
- 4.4 The Local Government & Housing Act 1989 and associated regulations, requires the distribution of seats on committees and sub-committees to be on the basis of political proportionality so far as it is "reasonably practicable" between the political groups of the Council unless every member of the Council agrees that some other basis of allocation should be used.
- 4.5 The distribution of committee places between the groups needs to have regard to these rules. The sudden death of Councillor Wood the elected Member for Sheriff Hutton Ward affects the political proportionality calculations since it reduces the size of the Conservative Group.
- 4.6 A political group is any group of two or more councillors who notify the Chief Executive that it wishes to be considered as a political group. In law it is a "group" only for the purposes of allocating places on Committees. It is a matter for individual groups to decide whether to get together for political purposes such as a coalition.
- 4.7 In making appointments to Committees the Council must be guided by the following principles:-
  - (a) Not all seats on the Committees can be allocated to one political party;
  - (b) The majority of seats should be awarded to a group having a majority on the Council;

- (c) Subject to (a) and (b) the total number of places allocated on all Committees must be proportionate to the political strength on the Council as a whole;
- (d) Subject to (c) the places on each Committee must be proportionate to political strength.

**4.8** One effect of the rules is that there is no requirement for all political groups to be represented on all Committees unless the figures justify such representation. If the committee size means a smaller group does not get a place, then that is not unlawful. It is a matter for the Council to decide on the size of Committees and the distribution of places between the groups, and for the political groups to determine their individual membership. It should also be noted that an ungrouped Member receives any seat which is available after seats have been allocated to political groups

**4.9** Political proportionality on committees is achieved in the following two stages:-

- 4.9.1 the first stage is the allocation of numbers of seats on committees to each political group.
- 4.9.2 the second stage is the giving effect to such allocations by appointing individual Members.

The political proportionality rules apply to the following committees of the Council with the exception of the Standards Committee:-

<b>Committee</b>	
1.	Policy & Resources Committee
2.	Community Services & Licensing Committee
3.	Overview & Scrutiny Committee
4.	Planning Committee

## **5.0 REPORT**

### **ISSUES AND ANALYSIS**

**5.1** Following the by-election and the formation of the Liberal Group and the sudden death of the Member for the Sheriff Hutton Ward, the strength of the political groups on the Council of 29 Members is as follows :-

Conservative  
13 (44.83%)  
Liberal Democrat  
8 (27.59%)  
Independents  
5 (17.24%)  
Liberals  
2 (6.90%)

**5.2** The new Annex A/1 sets out the proposed allocation of Committee seats to the political groups. The underlying justification for this proposal is as follows:-

- 5.2.1 allocation of seats to political groups, have in the past, been made on the basis that political groups should be represented on both a policy committee and the Overview & Scrutiny Committee. This has been considered to fairly reflect the overall work of the Council;
- 5.2.2 Whilst securing political proportionality, it causes the minimum disruption and change to the appointment of Members to Committees at the Annual meeting of Council on 17 May 2007.

**5.3** Rule d) set out in paragraph 4.7 above, gives precedence to there being political balance across the total number of committee places available rather than on each committee. New Annex A/1 reflects this.

**5.4** As a single Member and not a political group, Councillor Andrews is not entitled to two seats. He is entitled to what is left after the groups have their share of seats.

The legal obligation to ensure that there is proportionality in the political composition of committees extends only to proportionate representation of members of political groups and does not require ungrouped single members to be proportionally represented.

**5.5** Regulation 15 of the Local Government (Committees and Political Groups) Regulations 1990 makes provision for appointments to Committees in circumstances where a political group has failed to express its wishes in relation to the appointment of its members to Committees;

If the Liberal Group does not make nominations the procedure is as follows:-

5.4.1 The Council meeting on 12 July 2007 would allocate seats to all political groups including the Liberal Group;

5.4.2 The next day the proper officer gives the Liberal Group formal notice of the allocation of seats to that political group;

5.4.3 The Liberal Group then has three weeks beginning with the date on which notice is received to make nominations;

5.4.4 There would be a vacancy in respect of the Committee seats allocated to the Liberal Group not making a nomination of a Member for the seat until the next subsequent Council meeting on 6 September 2007;

5.4.5 In the absence of the Liberal Group making nominations within the three week period mentioned above, Council may make such appointment to that Committee seat as it thinks fit. In that event political group may not have a seat on the Committee(s).

Clearly the best approach to avoid the unnecessary use of Officer time is to make a nomination at the Council meeting.

## **6.0 FINANCIAL IMPLICATIONS**

**None**

### **Background Papers:**

Local Government Act 2000.

New Council Constitutions - Guidance Pack Volumes 1 and 2 published by DETR on 27 October 2000 with subsequent amendments.

### **OFFICER CONTACT:**

Please contact Anthony Winship, Council Solicitor, if you require any further information on the contents of this Report. The Officer can be contacted at Ryedale House, Telephone 01653 600666 ext. 267 or e-mail: [anthony.winship@ryedale.gov.uk](mailto:anthony.winship@ryedale.gov.uk)

## ANNEX A

### DIVISION OF MAIN COMMITTEE SEATS FOR 2007/2008

#### Part 1. COMMITTEE SEATS

<u>Political Group</u>	Policy & Resources	Community Services & Licensing Committee	Overview & Scrutiny Committee	Planning Committee	Total (43 Members)
Conservative	<b>5</b> (4.82)	<b>5</b> (4.82)	<b>4</b> (4.34)	<b>7</b> (6.75)	<b>21</b> (20.75)
Independent	<b>1*</b> (1.72)	<b>2</b> (1.72)	<b>2</b> (1.55)	<b>3*</b> (2.41)	<b>8*</b> (7.41)
Liberal	<b>0</b> (0.34)	<b>0</b> (0.34)	<b>1</b> (0.31)	<b>0</b> (0.48)	<b>1</b> (1.48)
Lib Dem	<b>3</b> (2.76)	<b>3</b> (2.76)	<b>2</b> (2.48)	<b>4</b> (3.86)	<b>12</b> (11.86)
Ryedale Residents	<b>1</b> (0.34)	<b>0</b> (0.34)	<b>0</b> (0.31)	<b>0</b> (0.48)	<b>1</b> (1.48)
	<b>10</b>	<b>10</b>	<b>9</b>	<b>14</b>	<b>43</b>

NB: Assumptions:

- (i) \* The figure has been adjusted upwards/downwards to the next whole number or downwards to zero to achieve political proportionality across the committees as a whole;
- (ii) All political groups are represented on P&R and Overview & Scrutiny ;
- (iii) Size of Planning Committee comprises 14 Members;
- (iv) Of the two single ungrouped Members namely Councillor Andrews & Councillor Clark:-
  - (a) One of two single Members is on the Policy & Resources Committee
  - (b) The remaining single Member is on the Overview & Scrutiny Committee.
- (v) Size of P&R comprises 10 seats.
- (vi) Size of O&S comprises 9 seats.

**RYEDALE DISTRICT COUNCIL**  
**COMMITTEE MEMBERSHIP – 2007/2008**

**LEADER OF THE COUNCIL - CLLR. K A KNAGGS**  
**CHAIRMAN OF COUNCIL - CLLR.MS N WARRINER**  
**VICE-CHAIRMAN OF COUNCIL - CLLR. J R RAPER**

**COMMUNITY SERVICES & LICENSING COMMITTEE**

<b><u>Conservative</u></b>	<b><u>Independent</u></b>	<b><u>Liberal</u></b>	<b><u>Liberal Democrat</u></b>	<b><u>Ryedale Residents</u></b>
Mrs V M Arnold (VC) J R Bailey Mrs L Cowling (CH) Mrs J Frank G E Hawkins	A E Hemesley B Maud	----	Mrs P J De Wend Fenton Mrs M Hodgson Mrs D E Keal	----
<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>
G Acomb B G Cottam K A Knaggs	C R Wainwright	----	A A Aslett H L Keal	----

**LICENSING COMMITTEE**

<b><u>Conservative</u></b>	<b><u>Independent</u></b>	<b><u>Liberal</u></b>	<b><u>Liberal Democrat</u></b>	<b><u>Ryedale Residents</u></b>
Mrs V M Arnold J R Bailey Mrs L Cowling Mrs J Frank G E Hawkins	A E Hemesley B Maud	----	Mrs P J De Wend Fenton Mrs M Hodgson Mrs D E Keal	----

**POLICY & RESOURCES COMMITTEE**

<b><u>Conservative</u></b>	<b><u>Independent</u></b>	<b><u>Liberal</u></b>	<b><u>Liberal Democrat</u></b>	<b><u>Ryedale Residents</u></b>
G Acomb S Arnold B G Cottam K A Knaggs E L Legard (VC)	C R Wainwright (CH)	---	A A Aslett Mrs L M Burr H L Keal	P J Andrews
<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>	<b><u>Substitutes</u></b>
J R Bailey Mrs J Frank G Hawkins	A E Hemesley B Maud	---	Mrs D E Keal	----

## OVERVIEW & SCRUTINY COMMITTEE

<u>Conservative</u>	<u>Independent</u>	<u>Liberal</u>	<u>Liberal Democrat</u>	<u>Ryedale Residents</u>
D E Cussons <b>(VC)</b> J R Raper J Windress Vacancy	D Jackson  Ms N Warriner	J S Clark	Mrs E L Shields <b>(CH)</b> Mrs J Wilford	---

## PLANNING COMMITTEE

<u>Conservative</u>	<u>Independent</u>	<u>Liberal</u>	<u>Liberal Democrat</u>	<u>Ryedale Residents</u>
J R Bailey B G Cottam <b>(CH)</b> D E Cussons Mrs J Frank K A Knaggs J R Raper J Windress	D Jackson B Maud <b>(VC)</b> Ms N Warriner	---	A A Aslett Mrs L M Burr H L Keal Mrs J Wilford	---

<u>Substitutes</u>	<u>Substitutes</u>	<u>Substitutes</u>	<u>Substitutes</u>	<u>Substitutes</u>
G Acomb S Arnold  Mrs L Cowling	A E Hemesley C R Wainwright	---	Mrs E L Shields Mrs P J De Wend Fenton	---

## STANDARDS COMMITTEE

<u>Conservative</u>	<u>Independent</u>	<u>Liberal</u>	<u>Liberal Democrat</u>	<u>Ryedale Residents</u>
B G Cottam D E Cussons	B Maud	---	A A Aslett Mrs P J De Wend Fenton	---

### **Independent/Parish Members of Standards Committee**

Mrs G Baker (Independent)  
Mr I Hamilton (Independent) **CH**  
Mr C Langley (Independent)  
Mrs G De Barr (Parish) **VC**  
Mr H Spencer (Parish)  
**CH - Denotes Chairman**  
**VC - Denotes Vice-Chairman**

**NEW ANNEX A/1**

**DIVISION OF MAIN COMMITTEE  
SEATS FOR 2007/2008**

Part 1. COMMITTEE SEATS

<u>Political Group</u>	Policy & Resources	Community Services & Licensing Committee	Overview & Scrutiny Committee	Planning Committee	Total (44 Members)
Conservative	<b>5*</b> (4.48)	<b>4</b> (4.48)	<b>4</b> (4.03)	<b>7</b> (6.72)	<b>20</b> (19.71)
Independent	<b>1*</b> (1.72)	<b>2</b> (1.72)	<b>2</b> (1.55)	<b>3</b> (2.59)	<b>8</b> (7.58)
Liberal	<b>1 or 0</b> (0.69)	<b>1 or 0</b> (0.69)	<b>1</b> (0.62)	<b>1</b> (1.03)	<b>3</b> (3.03)
Lib Dem	<b>3</b> (2.75)	<b>3</b> (2.75)	<b>2</b> (2.48)	<b>4</b> (4.14)	<b>12</b> (12.12)
Ryedale Residents	<b>1 or 0</b> (0.34)	<b>1 or 0</b> (0.34)	<b>0</b> (0.31)	<b>0</b> (0.52)	<b>1</b> (1.51)
	<b>10</b>	<b>10</b>	<b>9</b>	<b>15</b>	<b>44</b>

NB: Assumptions:

- (i) \*The figure has been adjusted upwards/downwards to the nearest whole number or downwards to zero to achieve political proportionality across the committees as a whole;
- (ii) Size of Planning Committee comprises 15 Members;
- (iii) Size of P&R comprises 10 seats. Size of CSL is 10 seats.
- (iv) Size of O&S comprises 9 seats.

