

North Yorkshire Council

19 July 2023

Appointments to committee according to political proportionality

Report of Assistant Chief Executive, Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To make recommendations for changes to the allocation of seats on and appointments to committees, subject to proportional representation.

2.0 BACKGROUND

- 2.1 The Group Leaders met on 7 July 2023 to consider the impact of recent changes to the political make-up of the Council and what this meant for proportional representation.

3.0 CHANGES SINCE THE NORTH YORKSHIRE COUNTY COUNCIL ELECTION IN MAY 2022.

- 3.1 The changes to the political make-up of the Council that have occurred since the last Election due to 2 By-Elections and changes of Elected Members political parties are as follows:

- The Masham and Fountains by election on 9 February 2023 went to the Liberal Democrats (Elected – Councillor Felicity Cunliffe-Lister).
- The Eastfield by election on 25 May 2023 went to the Unaffiliated Independents (Elected - Councillor Tony Randerson).
- Skipton West and West Craven division changed from Unaffiliated Independents to North Yorkshire Independents in March 2023 (Councillor Andy Solloway changed political party).
- Camblesforth and Carlton division changed from Conservative to Unaffiliated Independents in June 2023 (Councillor Mike Jordan changed political party).
- Harlow and St. Georges division changed from Liberal Democrats to Unaffiliated Independents in June 2023 (Councillor Mike Schofield changed political party).
- As of June 2023 Councillors Heseltine, Goodrick and Williams became members of the Conservative and Independents Group (with the Group name being changed from the Conservative Group).

3.2 The number of Councillors by political party is now as shown on the next page:

Party	May 2022 Post NYCC Election	Current Position July 2023	Overall Change
Conservative (now known the Conservatives and Independents Group)	47	48	Gain of 1
Labour (and Labour and Co-operative Party)	12	11	Loss of 1
Liberal Democrat & Liberal	13	13	No Overall Change
Independent (unaffiliated)	5	5	No Overall Change
Green	5	5	No Overall Change
NY Independents	8	8	No Overall Change
TOTAL	90	90	

3.3 The changes outlined in 3.1 above have an impact upon the allocation of seats in Council committees under proportionality.

3.4 This change has no impact on the proportionality calculation of any of the appointments to Major Outside Bodies that are subject to political proportionality. This is detailed at Appendix C.

4.0 ANALYSIS

4.1 The total impact of these changes can be found at appendix A to work out a purely mathematical proportionality basis for allocations. However, this calculation must comply with the principles found in paragraph 5.2 of this report.

4.2 The analysis suggests that allocation of seats on committees should be:

PARTY	ACTUAL (Required)	CURRENT (As now)	DIFFERENCE
Conservatives and Independents	105	100	5
NY Independent	15	14	1
Labour	23	23	
Liberal Democrat	24	22	2
Green	10	10	
Independent Unaffiliated	9	13	-4
TOTAL SEATS	186	182*	+4

*Please note that the Standards and Governance committee should have an additional 4 committee members that have not previously been allocated as full Council recommended an increase in the committee size in anticipation of additional work. On this calculation those 4 committee appointments should be 3 Conservative and 1 North Yorkshire Independent.

When considering 'Scrutiny and Audit' and by 'Ordinary' committees, the proportionality shows (see paras 5.3 and 5.4 for the definition of the committees):

- The Conservatives and Independents are over-represented by 3.47 seats on Scrutiny and Audit committees and over-represented by 2.33 seats on Ordinary committees (total over-representation of 5.80 seats).
This is unable to be altered due to proportionality rule 2 when a Group has the majority of seats of a Council. (See 5.2 below)
- The North Yorkshire Independents are under-represented by 1.42 seats on Scrutiny and Audit committees and under-represented by 0.11 seats on Ordinary committees (total under-representation of 1.53 seats).
- Labour's figures are correct as per the mathematical proportionality calculation.
- The Liberal Democrats are under-represented by 1.31 seats on Scrutiny and Audit committees and under-represented by 1.56 seats on Ordinary committees (total under-representation of 2.87 seats).
- Unaffiliated Independents are under-represented by 0.89 seats on Scrutiny and Audit committees and under-represented by 0.44 seats on Ordinary committees (total under-representation of 1.33 seats).
- Green Group are correct as per proportionality.

The complete calculation is attached at Appendix A as well as the Area Constituency Planning Committee Allocation at Appendix B, where changes have occurred, and the calculations for Major Outside Bodies at Appendix C.

5.0 POLITICAL BALANCE GUIDANCE

- 5.1 The Local Government and Housing Act 1989 introduced a requirement that certain appointments should be proportionate to the political composition of the Council.
- 5.2 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.
- 5.3 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.

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

5.5 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.

5.6 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.

5.7 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.

5.8 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.

6.0 ADDITIONAL LOCAL CONSIDERATIONS

6.1 It is expected, although not required, that every Councillor, who is not on the Executive, has a place on either an Overview and Scrutiny committee or on the Audit Committee.

6.2 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. This is practice rather than a requirement.

7.0 RECOMMENDATION OF THE ALLOCATIONS COMMITTEE/GROUP LEADERS

7.1 In considering the proportionality calculations and analysis, Group Leaders have recommended that the following changes be made to the allocation of seats on committees:

- Standards and Governance Committee

Currently there are 6 Members appointed to this committee and full Council has recommended that there should be 10 Members. Under the proportionality calculation in Appendix A it is suggested that this is currently under populated by 3 Conservatives and Independents Members and 1 NY Independent Member.

- Transition (LGR) Committee

That Councillor B Packham replaces Councillor M Davis on this Committee (this is replacing a Labour appointment with a Labour appointment).

- Other Committees

- Conservatives and Independents are currently down 1 representative on Transport, Environment, Economy and Enterprise Committee and Independent Unaffiliated are 1 over (Councillor M Jordan).
- Conservatives and Independents are currently down 1 representative on General Licensing and Independent Unaffiliated are 1 over (Councillor M Jordan).
- Independent Unaffiliated are another representative over on General Licensing and Liberal Democrats are 1 short (Councillor M Schofield).
- Liberal Democrats are currently 1 representative short on Children and Families Committee and Independent Unaffiliated 1 over (Councillor M Schofield).
- Corporate and Partnerships Committee is under represented by 1 Labour Member

(Councillor T Randerson).

- Employment Appeals Committee is under populated by 1 Labour Member (Councillor T Randerson).
- The Committee positions previously occupied by Councillors Heseltine, Goodrick and Williams who are now Members of the Conservatives and Independents Group will need to be considered.

8.0 ALTERNATIVE OPTIONS CONSIDERED

8.1 The Local Government and Housing Act 1989 introduced a requirement that certain appointments should be proportionate to the political composition of the Council and the Group need to consider a fair distribution of seats.

9.0 FINANCIAL IMPLICATIONS

9.1 There are no financial implications arising from this report.

10.0 LEGAL IMPLICATIONS

10.1 The legal implications are set out in the body of this report.

11.0 EQUALITIES IMPLICATIONS

11.1 There are no equality implications arising from this report.

12.0 CLIMATE CHANGE IMPLICATIONS

12.1 There are no climate change implications arising from this report.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The Local Government and Housing Act 1989 introduced a requirement that certain appointments should be proportionate to the political composition of the Council. The changes to the political balance that resulted from the two by-elections and changes to political parties necessitated a review of the proportional allocation of seats.

14.0 RECOMMENDATION(S)

14.1 To bring to the attention of Council the following outcome of the deliberations of the Group Leaders and make recommendations for changes to the allocation of seats on and appointments to committees, subject to proportional representation.

14.2 The potential following changes are recommended:

- 3 Conservatives and Independents appointments are made to the Standards and Governance Committee to fulfil Committee capacity
- 1 North Yorkshire Independent appointment is made to the Standards and Governance Committee to fulfil Committee capacity
- 1 Labour appointment is made to Corporate and Partnership Committee to replace Councillor T Randerson
- 1 Labour appointment is made to Employment Appeals Committee to replace Councillor T Randerson

- Independent Unaffiliated give up a seat on Transport, Economy, Environment and Enterprise Committee to Conservative & Independents
- Independent Unaffiliated give up a seat on General Licensing Committee to Conservative & Independents
- Independent Unaffiliated give up a seat on General Licensing Committee to Liberal Democrats
- Independent Unaffiliated give up a seat on Children and Families Committee to Liberal Democrats
- The Committee positions previously occupied by Councillors Heseltine, Goodrick and Williams who are now Members of the Conservative and Independents Group, require replacements, this will need to be decided by the Group Leader
- That Councillor B Packham replaces Councillor M Davis on the Transition (LGR) Overview and Scrutiny Committee (this is a change of committee member within the same political group)
- Skipton and Ripon Area Constituency Planning Committee: Conservatives and Independents Group gain a seat and the Unaffiliated Member loses a seat. However the Conservatives and Independent Members currently have five seats and therefore they now need to lose one seat and the NY Independents gain a seat.
- Scarborough and Whitby Area Constituency Planning Committee: the NY Independent and the Unaffiliated Member have an equal claim to one seat.
- Selby and Ainsty Area Constituency Planning Committee: the Green Group and the Unaffiliated Members have a claim to one seat.

APPENDICES:

Appendix A – Political Balance Calculation and Committee Allocation

Appendix B – Area Constituency Committee's Planning Allocation

Appendix C – Major Outside Bodies Proportionality Calculation

Barry Khan
 Assistant Chief Executive, Legal and Democratic Services
 County Hall
 Northallerton

Report Author:
 Daniel Harry, Democratic Services and Scrutiny Manager

10 July 2023

Appendix A

	Conservative				NY Independent				Labour				Liberal Democrats and Liberal				NY Green				Ind Unaff Agg				
	SEATS	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF
Care and Independence	16	8.53	9.00	9	0.47	1.42	1.00	1.00	-0.42	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	1.00	0.11
Young People	16	8.53	9.00	9	0.47	1.42	1.00	1.00	-0.42	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	1.00	0.11
Corporate and Partnerships	16	8.53	9.00	9	0.47	1.42	1.00	1.00	-0.42	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	1.00	0.11
Scrutiny of Health	16	8.53	9.00	9	0.47	1.42	1.00	2.00	0.58	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	0.00	-0.89
Transport, Economy & Environment	16	8.53	9.00	9	0.47	1.42	1.00	1.00	-0.42	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	1.00	0.11
Audit	10	5.33	6.00	6	0.67	0.89	1.00	1.00	0.11	1.22	1.00	1.00	-0.22	1.44	1.00	2.00	0.56	1.00	0.00	-0.56	0.56	1.00	0.00	0.00	-0.56
Transition (LGR)	16	8.53	9.00	9	0.47	1.42	1.00	1.00	-0.42	1.96	2.00	2.00	0.04	2.31	2.00	2.00	-0.31	0.89	1.00	1.00	0.11	0.89	1.00	1.00	0.11
TOTALS SCRUTINY	106	56.53	57.00	60	3.47	9.42	9.00	8.00	-1.42	12.96	13.00	13.00	0.04	15.31	15.00	14.00	-1.31	5.89	6.00	6.00	0.11	5.89	6.00	5.00	-0.89
Chief Officer Appointments and Disciplinary Committee	10	5.33	6.00	6	0.67	0.89	1.00	1.00	0.11	1.22	1.00	1.00	-0.22	1.44	1.00	1.00	-0.44	0.56	1.00	1.00	0.44	0.56	1.00	0.00	-0.56
Employment Appeals Committee	5	2.67	3.00	3	0.33	0.44	0.00	0.00	-0.44	0.61	1.00	1.00	0.39	0.72	1.00	1.00	0.28	0.28	0.00	0.00	-0.28	0.28	0.00	0.00	-0.28
Pension Fund	10	5.33	6.00	6	0.67	0.89	1.00	1.00	0.11	1.22	1.00	1.00	-0.22	1.44	1.00	1.00	-0.44	0.56	1.00	1.00	0.44	0.56	1.00	0.00	-0.56
Strategic Planning Committee	15	8.00	8.00	8	0.00	1.33	1.00	1.00	-0.33	1.83	2.00	2.00	0.17	2.17	2.00	2.00	-0.17	0.83	1.00	1.00	0.17	0.83	1.00	1.00	0.17
(Transport) Appeals Committee	5	2.67	3.00	3	0.33	0.44	0.00	0.00	-0.44	0.61	1.00	1.00	0.39	0.72	1.00	0.00	-0.72	0.28	0.00	0.00	-0.28	0.28	0.00	1.00	0.72
Standards and Governance	10	5.33	6.00	6	0.67	0.89	1.00	1.00	0.11	1.22	1.00	1.00	-0.22	1.44	1.00	1.00	-0.44	0.56	1.00	0.00	-0.56	0.56	1.00	1.00	0.44
Standards and Governance (Hearing Panel)	0	0.00	0.00	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
General Licensing and Registration (Taxi)	25	13.33	14.00	13	-0.33	2.22	2.00	3.00	0.78	3.06	3.00	3.00	-0.06	3.61	4.00	4.00	0.39	1.39	1.00	1.00	-0.39	1.39	1.00	1.00	-0.39
Statutory Licensing Committee (Alcohol & Premises)	0	0.00	0.00	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS ORDINARY	80	42.67	43.00	45	2.33	7.11	7.00	7.00	-0.11	9.78	10.00	10.00	0.22	11.56	12.00	10.00	-1.56	4.44	4.00	4.00	-0.44	4.44	4.00	4.00	-0.44
TOTAL	186	99.20	100.00	105	5.80	16.53	16.00	15.00	-1.53	22.73	23.00	23.00	0.27	26.87	27.00	24.00	-2.87	10.33	10.00	10.00	-0.33	10.33	10.00	9.00	-1.33

PARTY	SIZE	% SEATS	EG CTTEE SIZE
Conservative	48	53.33%	5.33
NY Independent	8	8.89%	0.89
Labour	11	12.22%	1.22
Liberal Democrats and Liberal	13	14.44%	1.44
NY Green	5	5.56%	0.56
Ind Unaff Agg	5	5.56%	0.56
Unaffiliated 2	0	0.00%	0.00
The Liberal Party	0	0.00%	0.00
Unaffiliated 3	0	0.00%	0.00
Unaffiliated 4	0	0.00%	0.00
Unaffiliated 5	0	0.00%	0.00
Awaiting By-election	0	0.00%	0.00
New Independent Group	0	0.00%	0.00
Total			10.00
	90		

Harrogate and Knaresborough Area Constituency Planning Committee

Old

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservative	5	2.69	3
NY Independent	0	0	0
Labour	0	0	0
Liberal Democrats and Liberal	8	4.31	4
Green	0	0	0
Independent Unaffiliated	0	0	0
Total	13	7	7

New

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservatives and Independents Group	5	2.69	3
NY Independent	0	0	0
Labour	0	0	0
Liberal Democrats and Liberal	7	3.77	4
Green	0	0	0
Independent Unaffiliated	1	0.54	0
Total	13	7	7

No Change

Conservative and Lib Dem higher % than Ind Unaff

Current members Cllrs

Marsh (C)	Lib Dem
Haslam (VC)	Con
Aldred	Lib Dem
Broadbank	Lib Dem
Gostlow	Lib Dem
Mann	Con
Windass	Con

Selby and Ainsty Planning Area Constituency Planning Committee

Old

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservative	7	3.06	3
NY Independent	2	0.88	1
Labour	5	2.19	2
Liberal Democrats and Liberal	0	0	0
Green	1	0.44	1
Independent Unaffiliated	1	0.44	0
Total	16	7	7

New

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservatives and Independents Group	6	2.63	3
NY Independent	2	0.88	1
Labour	5	2.19	2
Liberal Democrats and Liberal	0	0	0
Green	1	0.44	0
Independent Unaffiliated	2	0.88	1
Total	16	7	7

Council need to determine allocation of 1 place to either the Green Group or to the Independent Unaffiliated Members.

If Independent Unaffiliated Members are treated as a group they are entitled to 1 seat. If they are treated as two individuals then the Green Group and each of those individuals have an equal claim to that one seat.

Current Members Cllrs

Cattanach (C) NY Ind

Arthur Con

Crane Con

Lunn Con

Packham (VC) Lab

Shaw-Wright Lab

Warneken Green: either stays or goes to Independent Unaffiliated

Scarborough and Whitby Area Constituency Planning Committee

Old

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservative	7	3.27	3
NY Independent	1	0.47	1
Labour	7	3.27	3
Liberal Democrats and Liberal	0	0	0
Green	0	0	0
Independent Unaffiliated	0	0	0
Total	15	7	7

New

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservatives and Independents Group	7	3.27	3
NY Independent	1	0.47	0
Labour	6	2.80	3
Liberal Democrats and Liberal	0	0	0
Green	0	0	0
Independent Unaffiliated	1	0.47	0
Total	15	7	6

The NY Independent Group and the Independent Unaffiliated Member both have an equal claim to that one seat.

Current Members Cllrs

Broadbent	Lab
Jefferson	NY Ind: either stays the same or goes to the Independent Unaffiliated Member
Maw	Lab
Pearson	Con
Phillips	Con
Sharma (VC)	Lab
Trumper (C)	Con

Skipton and Ripon Planning Area Constituency Planning Committee

(with Cllr Cunliffe Lister already as Lib Dem)

Old

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservative	6	2.80	3
NY Independent	2	0.93	1
Labour	0	0	0
Liberal Democrats and Liberal	3	1.40	1
Green	2	0.93	1
Independent Unaffiliated	2	0.93	1
Total	15	7	8

New

Group	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservatives and Independents Group	8	3.73	4
NY Independent	2	0.93	1
Labour	0	0	0
Liberal Democrats and Liberal	3	1.40	1
Green	2	0.93	1
Independent Unaffiliated	0	0	0
Total	15	7	7

The political calculation shows that the Conservatives and Independents Group gain an additional seat. However the current make-up of this committee means that a Conservatives and Independents Group member needs to give up his/her seat and be replaced by an NY Independent Member.

Current Members Cllrs

Brodigan	Lib Dem
A Brown	Green
N Brown	Con to NY Ind
Heseltine	Con & Ind
Hull (C)	Con
Ireton	Con
Williams (VC)	Con & Ind

Appendix C – Major Outside Bodies Calculation

OUTSIDE BODY	PROP	Council Appt.	SEATS	Conservative				NY Independent				Labour				Liberal Democrats and Libel				NY Green				Ind Unaff Agg			
				PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF	PROP	RND	ACT	DIFF
North Yorks Moors National Park Authority	YES	YES	9	4.80	5.00	5.00	0.20	0.80	1.00	1.00	0.20	1.10	1.00	1.00	-0.10	1.30	1.00	1.00	-0.30	0.50	1.00	1.00	0.50	0.50	1.00	0.00	-0.50
Yorkshire Dales National Park Authority	YES	YES	10	5.33	6.00	6.00	0.67	1.22	1.00	1.00	-0.22	1.22	1.00	1.00	-0.22	1.44	1.00	1.00	-0.44	0.56	1.00	1.00	0.44	0.56	1.00	0.00	-0.56
North Yorkshire Police, Fire and Crime Panel	YES	YES	7	3.73	4.00	4.00	0.27	1.01	1.00	1.00	-0.01	0.86	1.00	1.00	0.14	1.01	1.00	1.00	-0.01	0.39	0.00	0.00	-0.39	0.39	0.00	0.00	-0.39
North Eastern Inshore Fisheries and Conservation Authority	YES	YES																									

NY Moors Cllrs - Correct

Jabbour	Con
Fortune	Con
Jeffels	Con
Moorhouse	Con
Pearson	Con
Ritchie	Lab
Andrews	Lib Dem
Donohue-Moncrieff	NY Ind
Warneken	Green

Yorkshire Dales Cllrs – Correct

Peacock	Con
Sedgwick	Con
Foster	Con
Heseltine	Con
Ireton	Con
Myers	Con
Murday	Lib Dem
Noland	Green
Parsons	NY Ind
Shaw-Wright	Lab

Police Fire and Crime Cllrs - Correct

Les	Con
Aldred	Lib Dem
Burr	NY Ind
Grogan	Con
Maw	Lab
Moorhouse	Con
Wilkinson	Con

NEIFCA Cllrs

Chance	Con
Randerson	Ind Unaffiliated

There are only 2 seats on this Committee, proportionality would suggest both Conservatives and Independents Group. Councillor Randerson was on this committee previously.