

North Yorkshire Council

15 May 2024

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, where necessary, subject to proportional representation due to recent political changes.

2.0 BACKGROUND

- 2.1 There have been a number of recent changes to the political make-up of the Council.
- 2.2 These changes have occurred since the last proportionality report that came to Council in November 2023.

3.0 CHANGES SINCE THE LAST NORTH YORKSHIRE COUNCIL MEETING IN NOVEMBER 2023

- 3.1 The changes to the political make-up of the Council that have occurred since the Full Council Meeting in November due to 1 resignation, 2 By-Elections and changes of Elected Members political parties, are as follows:

- The Sowerby and Topcliff by-election on 30 November 2023 went to the Liberal Democrat and Liberal Group (Elected – Councillor Dan Sladden).
- The Stray, Woodlands and Hookstone division in Harrogate and Knaresborough changed from Liberal Democrat and Liberal Group to Unaffiliated Independent on 19th February 2024 (Councillor Pat Marsh changed political group).
The resignation of Councillor Pat Marsh on 22nd February left a vacant position in the division. The subsequent by election on 11th April went to the Liberal Democrat and Liberal Group (Elected – Councillor Andrew Timothy).
- Camblesforth and Carlton division in Selby and Ainsty changed from Unaffiliated Independent to North Yorkshire Independent on 5th December 2023 (Councillor Mike Jordan changed political group).
- Hunmanby and Sherburn division in Thirsk and Malton changed from North Yorkshire Independent to Independent Unaffiliated on 22nd February 2024 (Councillor Michelle Donohue-Moncrieff changed political group).
- Bilton and Nidd George division in Harrogate and Knaresborough changed from Conservative and Independent Group to Independent Unaffiliated on 18th March 2024 (Councillor Paul Haslam changed political group).

3.2 The number of Councillors by political group and party is now as shown below:

Political Group/Party	Position in November 2023	Current Position May 2024	Overall Change
Conservative and Independent	48	47	Loss of 1
Liberal Democrat and Liberal	13	14	Gain of 1
Labour	11	11	No Change
NY Independent	10	10	No change
Green	4	4	No change
Independent (unaffiliated)	3	4	Gain of 1
Awaiting by election	1	0	
TOTAL	90	90	

3.3 The changes outlined in 3.1 above increases the seat allocation through the proportionality calculation of the Liberal Democrat and Liberal Party from 2.31 (rounded to 2) to 2.49, (this still rounds to 2) on a 16 seat Committee. The overall proportionality, based on the total number of seats available shows they are now 3.93 seats under their allocation based on the mathematical proportionality calculation (based on 186 seats in total).

3.4 The changes have also led to an over representation on Scrutiny Committees of 1.22 by the North Yorkshire Independent Group. The Green Group are also over-represented on Scrutiny Committees by 1.29.

3.5 This means that the Liberal Democrat and Liberal Group are under-represented by 2.49 on Scrutiny Committees. This then means that 2 Overview and Scrutiny seats should be re allocated to the Liberal Democrat and Liberal Group. The requirement for the majority group on the Council under proportionality rules to have the majority of seats on each Committee, means that no further seats can be re allocated to correct the imbalance.

3.6 The mathematical calculation is attached at Appendix A as well as the seat allocation at Appendix A1 and the Area Constituency Planning Committee Allocation for Harrogate and Knaresborough at Appendix B, where changes have occurred. This is due to a reduction in the number of representatives in the Conservative and Independent party.

3.7 This change has no impact on the proportionality calculation of any of the appointments to Major Outside Bodies including the Police, Fire and Crime Panel, which are subject to political proportionality. This is detailed at Appendix C.

4.0 ANALYSIS

4.1 The 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 complete calculation is attached at Appendix A as well as the Area Constituency Planning Committee Allocation for Harrogate and Knaresborough at Appendix B, 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 as far as is 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, it is recommended that the following changes be recommended.

- (i) North Yorkshire Independent Group give up a seat on a Scrutiny Committee to the Liberal Democrat and Liberal Group.
- (ii) The Green Group give up a seat on a Scrutiny Committee to the Liberal Democrat and Liberal Group.
- (iii) Independent Unaffiliated lose a seat to the Liberal Democrat and Liberal Group on the Harrogate and Knaresborough Area Constituency Planning Committee due to political party movement.
- (iv) The vacant North Yorkshire Independent seat on the Yorkshire Dales National Park Authority be filled.

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 by-election 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 up-to-date picture in relation to the allocation of seats on and appointments to committees, subject to proportional representation.

The following changes are recommended:

- 14.2
- North Yorkshire Independent Group give up a seat on a Scrutiny Committee to the Liberal Democrat and Liberal Group.
 - The Green Group give up a seat on a Scrutiny Committee to the Liberal Democrat and Liberal Group.
 - Independent Unaffiliated lose a seat to the Liberal Democrat and Liberal Party on the Harrogate and Knaresborough Area Constituency Planning Committee due to political party movement.
 - There is a North Yorkshire Independent seat vacant on the Yorkshire Dales National Park Authority due to political party movement.

APPENDICES:

Appendix A & A1 – Political Balance Calculation and Committee Seat Allocation
Appendix B – Area Constituency Committee’s Planning Allocation for
Harrogate and Knaresborough
Appendix C – Major Outside Bodies Proportionality Calculation

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May 2024

PARTY	SIZE	% SEATS	CTTEE SIZE
Conservative and Independent	47	52.22%	8.36 *
NY Independent	10	11.11%	1.78
Labour	11	12.22%	1.96
Liberal Democrat and Liberal	14	15.56%	2.49
Green	4	4.44%	0.71
Ind Unaffiliated (Aggregated)	4	4.44%	0.71
Awaiting By-election	0	0.00%	0.00
Total	90		16.0

*The majority of the seats must be allocated to the political group (if any) that holds the majority of seats on the Council

	Conservative				NY Independent				Labour				Liberal Democrats and Liberal				NY Green				Ind Unaff Agg				Awaiting By-election				
	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	PROP	RND	ACT	DIFF
Care and Independence	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
Young People	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
Corporate and Partnerships	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
Scrutiny of Health	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
Transport, Economy & Environment	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
Audit	10	5.22	6.00	6	0.78	1.11	1.00	1.00	-0.11	1.22	1.00	1.00	-0.22	1.56	2.00	2.00	0.44	0.44	0.00	0.00	-0.44	0.44	0.00	0.00	-0.44	0.00	0.00	0.00	0.00
Transition (LGR)	16	8.36	9.00	9	0.64	1.78	2.00	2.00	0.22	1.96	2.00	2.00	0.04	2.49	2.00	2.00	-0.49	0.71	1.00	1.00	0.29	0.71	1.00	0.00	-0.71	0.00	0.00	0.00	0.00
TOTALS SCRUTINY	106	55.36	56.00	60	4.64	11.78	12.00	13.00	1.22	12.96	13.00	13.00	0.04	16.49	16.00	14.00	-2.49	4.71	5.00	6.00	1.29	4.71	5.00	0.00	-4.71	0.00	0.00	0.00	0.00
Chief Officer Appointments and Disciplinary Committee	10	5.22	6.00	6	0.78	1.11	1.00	1.00	-0.11	1.22	1.00	1.00	-0.22	1.56	2.00	1.00	-0.56	0.44	0.00	0.56	0.44	0.00	0.00	-0.44	0.00	-0.44	0.00	0.00	0.00
Employment Appeals Committee	5	2.61	3.00	3	0.39	0.56	1.00	0.00	-0.56	0.61	1.00	1.00	0.39	0.78	1.00	1.00	0.22	0.22	0.00	0.00	-0.22	0.22	0.00	0.00	-0.22	0.00	0.00	0.00	0.00
Pension Fund	10	5.22	6.00	6	0.78	1.11	1.00	1.00	-0.11	1.22	1.00	1.00	-0.22	1.56	2.00	1.00	-0.56	0.44	0.00	0.56	0.44	0.00	0.00	-0.44	0.00	-0.44	0.00	0.00	0.00
Strategic Planning Committee	15	7.83	8.00	8	0.17	1.67	2.00	2.00	0.33	1.83	2.00	2.00	0.17	2.33	2.00	2.00	-0.33	0.67	1.00	1.00	0.33	0.67	1.00	0.00	-0.67	0.00	0.00	0.00	0.00
(Transport) Appeals Committee	5	2.61	3.00	3	0.39	0.56	1.00	0.00	-0.56	0.61	1.00	1.00	0.39	0.78	1.00	1.00	0.22	0.22	0.00	0.00	-0.22	0.22	0.00	0.00	-0.22	0.00	0.00	0.00	0.00
Standards and Governance	10	5.22	6.00	6	0.78	1.11	1.00	1.00	-0.11	1.22	1.00	1.00	-0.22	1.56	2.00	1.00	-0.56	0.44	0.00	0.00	-0.44	0.44	0.00	1.00	0.56	0.00	0.00	0.00	0.00
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	0.00	0.00	0.00	0.00
General Licensing and Registration (Taxi)	25	13.06	14.00	13	-0.06	2.78	3.00	3.00	0.22	3.06	3.00	3.00	-0.06	3.89	4.00	4.00	0.11	1.11	1.00	1.00	-0.11	1.11	1.00	1.00	-0.11	0.00	0.00	0.00	0.00
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	0.00	0.00	0.00	0.00
TOTALS ORDINARY	80	41.78	42.00	45	3.22	8.89	9.00	8.00	-0.89	9.78	10.00	10.00	0.22	12.44	12.00	11.00	-1.44	3.56	4.00	4.00	0.44	3.56	4.00	2.00	-1.56	0.00	0.00	0.00	0.00
TOTAL	186	97.13	98.00	105	7.87	20.67	21.00	21.00	0.33	22.73	23.00	23.00	0.27	28.93	28.00	25.00	-3.93	8.27	9.00	10.00	1.73	8.27	9.00	2.00	-6.27	0.00	0.00	0.00	0.00

Political Group	Party Size	% of Seats Due To Each Party Under Proportionality	No of Seats Due on Total Seats of 186 (Total Committees)	No of Seats Due on Total Seats of 106 (Scrutiny Committees)	Seats held By Party Currently on Scrutiny Committees	Changes as per recommendations in report	No of Seats Due on Total Seats of 80 (Ordinary Committees)	Actual Seats held By Party Currently on Ordinary Committees
Conservative and Independent	47	52.22%	97.13	55.35	60	60	41.78	45
NY Independent	10	11.11%	20.66	11.78	13	12	8.89	8
Labour	11	12.22%	22.73	12.95	13	13	9.78	10
Liberal Democrat and Liberal	14	15.56%	28.94	16.49	14	16	12.44	11
NY Green	4	4.44%	8.26	4.71	6	5	3.56	4
Ind Unaffiliated (aggregated)	4	4.44%	8.26	4.71	0	0	3.56	2
Total	90	100%	186	106	106	106	80	80

“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.

Scrutiny committees and Audit are not “ordinary committees”.

The duty on the Council is to give effect to these principles so far as reasonably practicable.

During the period of this Council it has been the practice where possible to allocate 1 seat on Scrutiny and Audit committees or 1 seat on Ordinary Committees to each of the unaffiliated Independents. This is practice rather than a requirement.

The statutory licensing committee is not an ‘ordinary committee’. An ‘ordinary committee’ is defined in paragraph 4(1) of Schedule 1 of the 1989 Act, as being any committee appointed under section 102(1)(a) of the Local Government Act 1972 – the statutory licensing committee is not however an ordinary committee – it is instead appointed under section 6 of the Licensing Act 2003.

Harrogate and Knaresborough Area Constituency Planning Committee

Old

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

New

Group/Party	No. of Councillors in ACPC	7 Members proportionality	No. of places
Conservative and Independent Group	4	2.15	2
NY Independent	1	0.54	1
Labour	0	0	0
Liberal Democrat and Liberal	7	3.77	4
Green	0	0	0
Independent Unaffiliated	1	0.54	0
Total	13	7	7

Current Membership

Current members

Cllr Schofield	NY Independent
Cllr Haslam	Independent Unaffiliated (appointed as Conservative) needs to give up seat to Liberal Democrat and Liberals
Cllr Aldred (VC)	Liberal Democrat and Liberal
Cllr Broadbank	Liberal Democrat and Liberal
Cllr Gostlow	Liberal Democrat and Liberal
Cllr Mann (C)	Conservative and Independent
Cllr Windass	Conservative and Independent

APPENDIX C - Major Outside Bodies Calculation

OUTSIDE BODY	PROP	Council Appt.	SEATS	Conservative				NY Independent				Labour				beral Democrats and Libe				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	4.70	5.00	5.00	0.30	1.00	1.00	1.00	0.00	1.10	1.00	1.00	-0.10	1.40	1.00	1.00	-0.40	0.40	0.00	1.00	0.60	0.40	0.00	0.00	-0.40
Yorkshire Dales National Park Authority	YES	YES	10	5.22	6.00	6.00	0.78	1.22	1.00	1.00	-0.22	1.22	1.00	1.00	-0.22	1.56	2.00	1.00	-0.56	0.44	0.00	1.00	0.56	0.44	0.00	0.00	-0.44
North Yorkshire Police, Fire and Crime Panel	YES	YES	7	3.66	4.00	4.00	0.34	1.09	1.00	1.00	-0.09	0.86	1.00	1.00	0.14	1.09	1.00	1.00	-0.09	0.31	0.00	0.00	-0.31	0.31	0.00	0.00	-0.31
North Eastern Inshore Fisheries and Conservation Authority	YES	YES	2			1.00								1.00													

1. North York Moors NPA - Correct

Cllr Jabbour - Conservative and Independent
 Cllr Hugill - Conservative and Independent
 Cllr Moorhouse - Conservative and Independent
 Cllr Pearson - Conservative and Independent
 Cllr Jeffells - Conservative and Independent
 Cllr Andrews - Liberal Democrat and Liberal
 Cllr Warneken - Green
 Cllr Ritchie - Labour
 Vacancy - NY Independent

2. Yorkshire Dales NPA – Correct

Cllr Peacock - Conservative and Independent
 Cllr Sedgwick - Conservative and Independent
 Cllr Foster - Conservative and Independent
 Cllr Heseltine - Conservative and Independent
 Cllr Ireton - Conservative and Independent
 Cllr Myers - Conservative and Independent
 Cllr Murday – Liberal Democrat and Liberal
 Cllr Noland - Green
 Cllr Parsons - NY Independent
 Cllr Shaw-Wright – Labour

3. Police Fire and Crime Panel - Correct

Cllr Les - Conservative and Independent
 Cllr Grogan - Conservative and Independent
 Cllr Moorhouse - Conservative and Independent
 Cllr Wilkinson - Conservative and Independent
 Cllr Maw - Labour
 Cllr Aldred - Liberal Democrat and Liberal
 Cllr Burr - NY Independent

4. North Eastern Inshore Fisheries and Conservation Authority

Cllr Chance - Conservative and Independent
 Cllr Swannick – Labour