

NORTH YORKSHIRE COUNTY COUNCIL

COUNTY COUNCIL

21 July 2021

Allocations committee report

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, to the Chief Executive Officer for consideration under his emergency delegated powers.

2.0 BACKGROUND

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has the power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.
- 2.2 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue as informal meetings of the Committee Members, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members.
- 2.3 The Allocations Committee is made up of the Group Leaders. It met on 7 July 2021 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 Bryn Griffiths attended the meeting. County Councillor Eric Broadbent sent apologies.

3.0 CHANGES SINCE THE LAST MEETING OF THE COMMITTEE ON 14 FEBRUARY 2020

- 3.1 The changes to the political make-up of the Council that have since occurred since the last meeting of the committee, following two by elections on 6 May 2021, were as follows:
- The Conservatives retained the Ribblesdale Division (Elected - Cllr David Staveley)
 - The Conservatives gained the Harrogate Bilton Nidd Gorge Division from the Liberal Democrats (Elected - Cllr Matt Scott).
- 3.2 The number of County Councillors by political party is now as below:

Party	Council seats	Change
Conservative	54	Gained 1
NY Independent	8	
Labour	4	No change
Liberal Democrat	3	Lost 1

Unaffiliated (RH)	1	No change
Unaffiliated (AS)	1	No change
Unaffiliated (AJ)	1	No change
Total	72	

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

4.0 **ANALYSIS**

4.1 The Allocation Committee at their meeting on 7 July 2021 considered the following analysis of the changes in proportionality.

4.2 The analysis suggested that allocation of seats on committees was not in balance, as summarised below:

PARTY	SEAT ENTITLEMENT	ACTUAL
Conservative	84.75	81
NY Independent	12.56	14
Labour	6.28	6
Liberal Democrat	4.71	6
Independent RH	1.57	2
Independent AS	1.57	2
Independent AJ	1.57	2
TOTAL SEATS	113.00	113

The analysis was broken down further by 'Scrutiny and Audit' and by 'Ordinary' committees, as follows (see paras 5.3 and 5.4 for the definition of the committees):

- The Conservatives are under-represented by 1.75 seats on Scrutiny and Audit committees and under-represented by 2 seats on Ordinary committees (total under-representation of 3.75 seats).
- The North Yorkshire Independents are over-represented by 0.89 seats on Scrutiny and Audit committees and over-represented by 0.56 seats on Ordinary committees (total over-representation of 1.44 seats).
- Labour are under-represented by 0.06 seats on Scrutiny and Audit committees and under-represented by 0.22 seats on Ordinary committees (total under-representation of 0.28 seats).
- The Liberal Democrats are over-represented by 0.96 seats on Scrutiny and Audit committees and over-represented by 0.33 seats on Ordinary committees (total over-representation of 1.29 seats).
- Each of the three unaffiliated Independents are over-represented by 0.43 seats (collective over-representation of 1.29 seats).

The complete calculation is attached in Appendix 1.

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 County 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

- 7.1 In considering the proportionality calculations and analysis, the Allocations Committee recommended that the following changes be made to the allocation of seats on committees:
- A Conservative Councillor takes up the existing Conservative vacancy on Transport Economy and Environment and OSC (previously held by Cllr Welch) – no change to calculation
 - The North Yorkshire Independents give up a seat on Transport Economy and Environment OSC and a Conservative Councillor takes that seat

- The North Yorkshire Independents give up a seat on Care and Independence OSC and a Conservative Councillor takes that seat
- The Liberal Democrats give up a seat on Care and Independence OSC and a Conservative Councillor takes that seat.

7.2 This then means that the final position is as follows:

PARTY	SEAT ENTITLEMENT	ACTUAL
Conservative	84.75	84
NY Independent	12.56	12
Labour	6.28	6
Liberal Democrat	4.71	5
Independent RH	1.57	2
Independent AS	1.57	2
Independent AJ	1.57	2
TOTAL SEATS	113.00	113

7.3 It is important to note whist every effort is made to achieve a complete proportional allocation of seats, this is not always possible.

8.0 FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this report.

9.0 LEGAL IMPLICATIONS

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

10.0 CLIMATE CHANGE IMPLICATIONS

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

11.0 CONSULTATION

11.1 Relevant Officers and Group Leaders have been consulted on the proposal.

12.0 REASONS FOR RECOMMENDATIONS

12.1 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 May by-elections necessitated a review of the proportional allocation of seats. The Allocations Committee met on 7 July 2021 and considered the analysis, the options for achieving a proportional allocation across all committees and decided that the recommended allocation was the most appropriate.

13.0 RECOMMENDATION

13.1 To bring to the attention of Council the following 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, to the Chief Executive Officer for consideration under his emergency delegated powers.

13.2 The following changes are recommended:

- A Conservative Councillor takes up the existing Conservative vacancy on Transport Economy and Environment and OSC (previously held by Cllr Welch) – no change to calculation
- The North Yorkshire Independents give up a seat on Transport Economy and Environment OSC and a Conservative Councillor takes that seat
- The North Yorkshire Independents give up a seat on Care and Independence OSC and a Conservative Councillor takes that seat
- The Liberal Democrats give up a seat on Care and Independence OSC and a Conservative Councillor takes that seat.

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13 July 2021

Political Balance Calculation

		Conservative			NY Independent			Labour			Liberal Democrat			Independent RH			Independent AS			Independent AJ		
	SEATS	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	9.75	8	-1.75	1.44	2	0.56	0.72	1	0.28	0.54	1	0.46	0.18	0	-0.18	0.18	0	-0.18	0.18	1	0.82
Children and Young People	13	9.75	10	0.25	1.44	2	0.56	0.72	1	0.28	0.54	0	-0.54	0.18	0	-0.18	0.18	0	-0.18	0.18	0	-0.18
Corporate and Partnerships	13	9.75	10	0.25	1.44	1	-0.44	0.72	1	0.28	0.54	1	0.46	0.18	0	-0.18	0.18	0	-0.18	0.18	0	-0.18
Scrutiny of Health	13	9.75	10	0.25	1.44	1	-0.44	0.72	1	0.28	0.54	0	-0.54	0.18	0	-0.18	0.18	1	0.82	0.18	0	-0.18
Transport, Economy & Environment	13	9.75	9	-0.75	1.44	2	0.56	0.72	0	-0.72	0.54	1	0.46	0.18	1	0.82	0.18	0	-0.18	0.18	0	-0.18
Audit	8	6.00	6	0.00	0.89	1	0.11	0.44	0	-0.44	0.33	1	0.67	0.11	0	-0.11	0.11	0	-0.11	0.11	0	-0.11
TOTALS SCRUTINY	73	54.75	53	-1.75	8.11	9	0.89	4.06	4	-0.06	3.04	4	0.96	1.01	1	-0.01	1.01	1	-0.01	1.01	1	-0.01
Chief Officer Appointments and Disci	8	6.00	5	-1.00	0.89	1	0.11	0.44	1	0.56	0.33	1	0.67	0.11	0	-0.11	0.11	0	-0.11	0.11	0	-0.11
Employment Appeals Committee	4	3.00	3	0.00	0.44	0	-0.44	0.22	0	-0.22	0.17	1	0.83	0.06	0	-0.06	0.06	0	-0.06	0.06	0	-0.06
Pension Fund	8	6.00	6	0.00	0.89	1	0.11	0.44	0	-0.44	0.33	0	-0.33	0.11	0	-0.11	0.11	1	0.89	0.11	0	-0.11
Planning and Regulatory Functions C	11	8.25	7	-1.25	1.22	2	0.78	0.61	1	0.39	0.46	0	-0.46	0.15	1	0.85	0.15	0	-0.15	0.15	0	-0.15
(Transport) Appeals Committee	4	3.00	3	0.00	0.44	0	-0.44	0.22	0	-0.22	0.17	0	-0.17	0.06	0	-0.06	0.06	0	-0.06	0.06	1	0.94
Standards	5	3.75	4	0.25	0.56	1	0.44	0.28	0	-0.28	0.21	0	-0.21	0.07	0	-0.07	0.07	0	-0.07	0.07	0	-0.07
TOTALS ORDINARY	40	30.00	28	-2.00	4.44	5	0.56	2.22	2	-0.22	1.67	2	0.33	0.56	1	0.44	0.56	1	0.44	0.56	1	0.44
TOTAL	113	84.75	81	-3.75	12.56	14	1.44	6.28	6	-0.28	4.71	6	1.29	1.57	2	0.43	1.57	2	0.43	1.57	2	0.43

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

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

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).