

# Agenda Item 9



County Council

## Open Report on behalf of Andrew Crookham, Executive Director responsible for Democratic Services

Report to:	<b>County Council</b>
Date:	<b>13 September 2019</b>
Subject:	<b>Political Balance on Committees and Sub-Committees, Allocation of Places to Political Groups and Appointment of Chairmen and Vice-Chairmen of Committees</b>

### **Summary:**

The political balance of the County Council has changed following the decision by Councillor Rob Foulkes to leave the Conservative Group on the Council and a review of the appointment of Chairmen and Vice-Chairmen of committees is required following the decision by Councillor Rob Foulkes to resign his chairmanship of the Children and Young People Scrutiny Committee. This report sets out the impact of those changes.

### **Recommendation(s):**

That Council

1. Notes the changed political balance of the Council and agrees the allocation of places to political groups as set out in Appendix A to this report.
2. Reviews the appointment of Chairmen and Vice-Chairmen of committees.

### **1. Background**

1.1 The County Council is required by the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (as amended) to review the allocation of places to political groups on committees and sub-committees whenever there is a change in the political balance of the Council.

1.2 Proportionality is based not on political parties, but on political groups. A political group is simply a grouping of elected members which has been validly formed under the 1990 Regulations and consists of those elected members who have been validly notified as being a member of that group. A political group

cannot have fewer than two members and an elected member cannot be a member of more than one political group.

1.3 On 3<sup>rd</sup> June 2019 the County Council's Head of Paid Service was notified by Councillor Rob Foulkes that he had resigned from the Conservative Party and the Conservative Group on the County Council. He stated that he wished to be treated as an independent councillor, not aligned to any political group. Subsequently he notified the Head of Paid Service of his decision to resign his chairmanship of the Children and Young People Scrutiny Committee.

1.4 A consequence of these decisions is that Council has to review the political proportionality of the Council and review appointments of Chairmen and Vice-Chairmen made at its annual meeting on 17<sup>th</sup> May 2019.

1.5 Councillor Foulkes has continued to sit on the Children and Young People Scrutiny Committee, in a seat 'gifted' by the Conservative Group.

1.6 His membership of the Corporate Parenting Panel and Safeguarding Sub-Group, bodies, which the Constitution says should be politically inclusive, are also continuing.

1.7 Traditionally the Chairman of Children and Young People Scrutiny Committee has been a member of the Lincolnshire Health and Wellbeing Board and the Overview and Scrutiny Management Board, positions Councillor Foulkes also relinquished when he resigned as Chairman of the scrutiny committee.

1.8 In allocating seats on politically balanced committees and sub-committees to political groups as set out above the Council must only make such determinations as give effect, so far as reasonably practicable, to the following principles (in the order shown).

- a) that not all the seats on the body are allocated to the same political group
- b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership
- c) that the number of seats on the ordinary committees of the Council which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the Council as is borne by the number of members of that group to the membership of the Council and
- d) that the number of seats on the body which are allocated to each political group bears 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 authority.

1.9 Under Regulation 16 of the 1990 Regulations, where some of the members of the relevant authority fall to be treated as members of one or more political groups and the others do not, the Council's obligations are as follows:

- i) To determine the proportion of the total membership of the Council who are members of one or more political groups and ensure that the same proportion of the total number of seats to be filled is allocated to each of the political groups in the proportion that the number of members of that group bears to the membership of the authority; and
- ii) To secure that persons appointed to any seats that do not fall to be allocated to a political group under the above requirement are not a member of a political group.

1.10 There are 127 seats that fall to be filled by the Council. The table below sets out the political groups, the numbers of councillors and the proportion of the total membership of the authority that belong to that group. Using that percentage the final row of the table shows the number of seats that the Council can allocate to each of the political groups.

	Conservative	Labour	Independent
Members	56	6	5
Percentage	80%	8.57%	7.14%
Seats	102	11	9

1.11 The remaining seats (five in number) cannot be allocated to the political groups and must be allocated to the members who are not members of a political group.

1.12 Two of the members who are not members of a political group have occupied four of the five seats since the start of the current council term in May 2017. It is not proposed that those arrangements be changed.

1.13 To satisfy the requirement for the fifth seat to be allocated to a councillor who is not a member of a political group it is proposed that Councillor Foulkes be allocated the seat he currently occupies on the Children and Young Person Scrutiny Committee as of right, rather than through the gifting process. This proposed change is reflected in Appendix A.

1.14 As a result of the decision by Councillor Foulkes to resign his position as Chairman of the Children and Young People Scrutiny Committee the Council needs to review the appointment of Chairmen and Vice Chairman to the Council's Committees and Panels. The current position including a vacancy in respect of the Chairman of the Children and Young People Scrutiny Committee is attached at Appendix B.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The decisions set out in the Report are not considered to have any Equality Act implications.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The decisions set out in the Report are not considered to have any implications in respect of the JSNA or the JHWS.

## Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The decisions set out in the Report are not considered to have any implications in respect of crime and disorder matters.

## **3. Conclusion**

3.1 Under the Council's Constitution the allocation of seats in accordance with political proportionality requirements and appointment of Chairmen and Vice-Chairmen is the responsibility of the full Council. This was last reviewed at Annual Council on 17<sup>th</sup> May 2019.

## **4. Legal Comments:**

Council is required to review the allocation of seats on the Committees of the Council to political groups in accordance with the law relating to proportionality as set out in the Report.

The Council must review appointments to Chairman and Vice-Chairman of Committees and Sub-Committees

Both decisions are within the remit of the full Council.

## **5. Resource Comments:**

Accepting the recommendation within this report should have no material impact on the budget of the Council.

## **6. Consultation**

### **a) Has Local Member Been Consulted?**

n/a

### **b) Has Executive Councillor Been Consulted?**

Yes

**c) Scrutiny Comments**

n/a

**d) Have Risks and Impact Analysis been carried out?**

Yes

**e) Risks and Impact Analysis**

Nothing has been identified that would prevent the recommendations in this report being implemented.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Political balance on Committees and Sub-Committees
Appendix B	Current Chairmen and Vice-Chairmen of Committees

## 8. Background Papers

The following Background Papers within the meaning of section 100D of the Local Government Act 1972 were used in the preparation of this Report

Background Paper	Where it can be found
Report to full Council on 17 May 2019 headed "Political balance on committees and sub-committees and allocation of places to political groups"	Democratic Services
Report to full Council on 17 May 2019 headed "Appointment of Chairmen and Vice-Chairmen of Committees and Sub-Committees (Except the Lincolnshire Health and Wellbeing Board, Health Scrutiny Committee for Lincolnshire and Bourne Town Hall Trust Management Committee"	Democratic Services

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