



## Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	County Council
Date:	20 May 2022
Subject:	Political Proportionality and Allocation of Seats to Committees and Sub-Committees

### Summary:

In line with the law and the provisions within the Council's Constitution, the Annual Meeting is required to review the political proportionality and the allocation of seats on Committees and Sub-Committees.

This report invites the Council to note the allocation of seats in accordance with the political balance rules and accordingly, make necessary appointments to established Committees, Sub-Committees, Panels, Boards and Working Groups.

### Recommendation(s):

1. that the Council's Committees, Sub-Committees and Panels as set out in Appendix A, along with their terms of reference, as set out in the Constitution be established for the 2022/23 municipal year in accordance with Council Procedure Rule 2.2;
2. the size of each of the Committees, Sub-Committees and Panels as set out within Appendix A to the report be agreed for the 2022/23 municipal year in accordance with Council Procedure Rule 2.2;
3. that the Council approves the allocation of those Committee and Sub-Committee seats that are required to be politically balanced as detailed in Appendix B; and
4. that the Council agrees the appointments to Committees and Sub-Committees as detailed in Appendix C marked as "to follow" in the report and will be circulated as part of the Order of Proceedings.

## 1. Background

- 1.1 In line with the provisions within the Council's Constitution, the Annual Meeting of Council is required to:
- establish such Committees and Sub-Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council meeting nor are Executive functions;
  - decide the size and terms of reference for those Committees and Sub-Committees;
  - decide the allocation of seats to political groups in accordance with the Political Balance Rules; and
  - receive nominations and appoint to those Committees and Sub-Committees.
- 1.2 The Committees, Sub-Committees and Panels currently established by the Council are detailed within the Council's Constitution and are summarised in Annex A to the Articles at Part 2 of the Constitution which is attached to this Report at **Appendix A** which also sets out the size of each committee, sub-committee and Panels. The terms of reference of these committees, sub-committees and Panels are set out in detail in the Constitution.
- 1.3 No changes are proposed to these Committees, Sub-Committees and Panels, their size or terms of reference.
- 1.4 By virtue of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990 (as amended) the Council is required to review the allocation of places to political groups on Committees and Sub-Committees of the Council. This was last reviewed at the Annual Meeting of Council held on 21 May 2021.
- 1.5 In order to achieve political proportionality as far as is reasonably practicable the 1989 Act requires the Council to apply certain principles as follows:
- not all the seats on the Committee are allocated to the same group;
  - the majority of seats on the Committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - the number of seats allocated to a political group on the Committees of the Council bears the same proportion to all the seats on such Committees as the membership of that group bears to the membership of the Council as a whole; and
  - the number of seats allocated to a political group on an individual Committee bears the same proportion to the number of all the seats on that Committee as the membership of that group bears to the membership of the Council as a whole.

The membership of each group must be compared to the membership of the Council to establish the correct proportion to be used in the allocation of seats.

Under Schedule 1 of the 1989 Act “membership” means the number of persons who are Members for the time being of the Authority. The number of Members at the time of this decision is 70.

1.6 Under Regulation 16 of the 1990 Regulations, where some of the Members of the relevant authority are members of one or more political groups and the others are 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 ensure that Non-Aligned Members are allocated any seats which do not fall to be earmarked for a political group under the above requirement.

A political group must have at least two members – i.e. there cannot be a group of one.

1.7 There are 127 Committee seats that fall to be filled by the Council. **Appendix B** sets out how the allocation of seats best meets the requirements of Section 15 of the 1989 Act and the requirements of the 1990 Regulations as far as is reasonably practicable. As no changes to the membership of Groups have occurred since the last annual meeting these allocations have also not changed.

1.8 The Council is required by law to give effect to the wishes of the Groups in appointing members to seats on committees or sub-committees allocated to that Group. Nominations received in advance of the meeting from political groups are detailed in **Appendix C** and are subject to verbal amendments and updates during the Council Meeting. Appendix C also sets out the proposed allocation of seats to unaligned independent members. Council is invited to approve the appointment of members to the allocated seats as set out in Appendix C which will be circulated as part of the Order of Proceedings.

1.9 Members who are members of a political group should discuss any changes to Committee appointments with the Leaders of their political groups in advance of the Council meeting.

1.10 Council is not invited to make appointments to the Health and Wellbeing Board as appointments of Council members to the Board is reserved to the Leader of the Council by legislation. The Health and Wellbeing Board is not politically balanced.

## **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.

There are not any equalities impacts arising out of considering and approving the allocation of seats on Committees and Sub-Committees to political groups on the Council.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to the allocation of seats on Committees and Sub-Committees to political groups on the Council.

### 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.

There are no implications in relation to Crime and Disorder arising from the allocation of seats on committees and sub-committees to political groups on the Council.

### **3. Conclusion**

It is a matter for the Council to allocate seats on Committees and Sub-Committees to the political groups on the Council, which it must do in accordance with the law relating to proportionality.

### **4. Legal Comments:**

Council is required to allocate 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 is required by the provisions within its constitution to establish and appoint to committees at the Annual Meeting.

The decision is within the remit of the Council.

### **5. Resource Comments:**

There are no material financial implications from acceptance of the recommendations in this report.

### **6. Consultation**

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

No

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

No

**c) Scrutiny Comments**

N/A

**d) Risks and Impact Analysis**

N/A

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Articles of the Constitution – Annex A – Composition of County Council Committees and Sub-Committees
Appendix B	Political Proportionality 2022/23
Appendix C	Appointments to Committees (To be circulated with the Order of Proceedings)

**8. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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