

County Council 18 May 2017

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County Council



Report on Committee Proportionality, Appointments and Substitutions

Thursday 18 May 2017

Report of the Monitoring Officer

Political Proportionality

This report sets out the allocation of Committee seats in line with legal requirements on political proportionality. Appendix 1 sets out the seat allocations by political groups for 2017/18.

The distribution of seats on Committees is governed by Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, which require the allocation to accord with the rules on proportionality. It is incumbent on the County Council to satisfy itself each year that the rules on proportionality continue to be properly applied.

The Regulations state that seats on Committees must be allocated to each political group in the same proportion to the number of seats held by each of those groups on the County Council (rules of aggregation as well as being in the correct proportions on each Committee individually, in so far as this may be practicable).

The political balance of the Council is 41 Conservatives, 4 Liberal Democrats, 2 East Wycombe Independents, 1 Independent and 1 Labour. There are two political groups comprising 41 (The Conservative Group) and 7 (The Liberal Democrats with East Wycombe Independents and Independent Group) Members. There is one ungrouped Member.

Following the agreement of all political groups the final allocations proposed are listed below (Appendix 1 sets out the background calculations).

Table 1

Political Group	Seats on Council	% of whole	Seats actual	Seats rounded
Conservative	41	83.7%	62.78	63
Lib Dems with EWiP and Independent	7	14.3%	10.73	11
Ungrouped	1	2.0%	0.98	1
Total	49	100%	75	75



Those Members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Members not belonging to a political group. Such Members are classed as being non-aligned.

Table 2: Final allocations of Seats

Committee	Size	Conservative	Lib Dems with EWIP and Independent
Development Control	8	7	1
Pension Fund	6	5	1
Regulatory & Audit	8	7	1
Rights of Way	8	7	1
Senior Appointments and Bucks Pay Award	7	6	1
Select – Children’s Social Care & Learning	11	9	2
Select – Health & Adult Social Care	11	9	2
Select – Finance, Performance & Resources	8	7	1
Select – Transport, Environment & Communities	8	7	1
Total	75	64*	11

* Conservatives have an over-allocation of one seat which should go to the ungrouped member

Other Council Committees

There are currently no other Council Committees where proportionality applies. If a new Council Committee is created and proportionality applies, it will be applied on the basis as set out in Appendix 1.

Buckinghamshire Fire Authority

The County Council has 11 places on the Fire Authority which, applying the rules on proportionality, results in the following distribution of seats across the groups.

Table 2: Fire Authority Seats

Committee	Size	Conservative	Lib Dems with EWIP and Independent
Fire Authority	11	9	2

Other Member Bodies

It is the current policy of the County Council that notwithstanding that the rules of proportionality do not apply to non-decision making bodies, all member bodies should be appointed on a proportional basis whenever reasonably practicable.

Substitution Arrangements

The Council has agreed substitution arrangements to Council Committees in accordance with legal requirements arising from s102 of the Local Government Act 1972. These substitution arrangements are as follows:

- Substitutions must be made at least the day before the meeting concerned in writing to the relevant clerk of the Council Committee (under delegated powers of the Monitoring Officer). No requests for substitutions at the meeting on the day will be allowed.
- Substitution requests must be in writing by email from the Group Leader (or the Group Leader's nominated member for handling substitutions for example the Deputy Leader). There is no requirement for a hardcopy signature or any additional forms.
- All County Councillors are potential substitutes onto Council Committees.
- By convention Select Committees do not normally require substitute members. This is because Select Committees are not decision-making bodies and work by consensus to scrutinise and support policy development on a cross-party basis.
- Other points to note on substitutions are: Cabinet is legally not allowed to have substitutions but deputies can attend and speak (but not vote) at Cabinet Meetings; and the Development Control Committee is the only statutory committee where there is an additional requirement for Members to have attended training before substituting.

Recommendations

Council is asked to:

- 1. Confirm the political balance in the distribution of seats across Committees be as set out in Tables 1 and 2, to accord with the rules on proportionality.**
- 2. Agree the appointments to Council Committees in accordance with the rules on political proportionality, in line with the proposals put forward by each of the political group leaders for the municipal year 2017/18.**
- 3. Agree to delegate to the Monitoring Officer powers to vary the membership of a Committee at any point on a permanent or casual basis upon the written nomination of a Group Leader.**

**SARAH ASHMEAD
MONITORING OFFICER**

Appendix 1 – Background Calculations on Political Balance

Appendix 2 – List of Committee Appointments (*paper to be tabled at the Council meeting*)

Appendix 1 – Background Calculations on the Allocation of Committee Seats

Table 3

Size	Conservative	Lib Dems with EWIP and Independent	Remainder
No of Seats	41	7	1
1	1	0	
2	2	0	
3	3	0	
4	3	1	
5	4	1	
6	5	1	
7	6	1	
8	7	1	
9	8	1	
10	8	1	1
11	9	2	
12	10	2	
13	11	2	
14	12	2	
15	13	2	
16	13	2	1

Table 4 – Initial calculations before adjustments

Committee	Size	Conservative	Lib Dems with EWIP and Independent
Development Control	8	6.70 (7)	1.14 (1)
Pension Fund	6	5.02 (5)	0.86 (1)
Regulatory & Audit	8	6.70 (7)	0.98 (1)
Rights of Way	8	6.70 (7)	0.98 (1)
Senior Appointments	7	5.86 (6)	1.00 (1)
Select – Children’s Social Care & Learning	11	9.21 (9)	1.57 (2)
Select – Health, Adult Social Care	11	9.21 (9)	1.57 (2)
Select – Finance, Performance & Resources	8	6.70 (7)	0.98 (1)
Select – Transport, Environment & Communities	8	6.70 (7)	0.98 (1)
Total	75	64*	11

* The Conservative seat entitlement from Table 1 is 63, therefore one seat should be re-allocated to the ungrouped member.