

ALLOCATION OF SEATS ON COUNCIL COMMITTEES AND SUB COMMITTEES – POLITICAL BALANCE AND ALTERNATIVE ARRANGEMENTS – APPEALS UNDER THE EDUCATION ACTS – CONSTITUTION OF PANEL MEMBERS AND APPOINTMENT OF CO-OPTED MEMBERS TO THE CHILDREN, YOUNG PEOPLE AND LEARNING SCRUTINY COMMITTEE

Report of the Chief Solicitor

1.0 Introduction

1.1 The purpose of this report is to consider the allocation of seats on Council Committees and Sub – Committees in the light of a minor change in the political balance of the Council and to confirm “Alternative Arrangements” previously agreed by the Council, to consider the appointment of a Panel Member to the Appeals Panel and to consider the appointment of co-opted members to the Children, Young People and Learning Scrutiny Committee.

2.0 Allocation of Seats on Council Committees and Sub Committees – Political Balance and Alternative Arrangements

2.1 Notification has been received from the Leader of the Majority Group in Opposition that Councillor E Wake is no longer a member of the Conservative Group. Councillor Wake has confirmed that he is not joining any other political group at this time. The effect of the change is that this gives a final, revised overall allocation of 184 (previously 181) seats to the Labour Group, 81 seats (previously 84) to the Conservative Group and 15 seats (stays the same) to the Independent Group.

2.2 This section of the report therefore:

- sets out the rules on “political balance” and “alternative arrangements”,
- affords Council the opportunity of considering an amended allocation of seats under the principles of political balance,
- consider appointments to the resultant positions on Committees and Sub-Committees, and
- affirm the alternative arrangements previously agreed by Council in relation to the appointment of the Liberal Democrat Councillor, P Dixon, to the Prosperity and Economic Development Scrutiny Committee.

2.3 Section 15 of the Local Government and Housing Act 1989 provides that the Council shall determine the allocation of seats on Committees and Sub Committees which reflects the political composition of the authority. (There are exceptions from these rules for Cabinet and Area Committees).

2.4 The Local Government (Committees and Political Groups) Regulations 1990 as amended makes it clear that to constitute a group there must be at least two members.

Accordingly, Councillors P Dixon and E Wake are not entitled to any allocation of seats which are subject to the political balance requirements since they are not members of a political group.

2.5 The four principles of political balance are as follows:

- That not all the seats have been allocated to the same political group.
- The majority of the seats are allocated to the majority group.
- Subject to the above two principles, the next principle is that the number of seats on the total of all ordinary committees of the authority allocated to each group bears the same proportion to the proportion on the full Council.
- The final principle which is expressed as being subject to those three earlier principles and therefore ranks last in making the determination is that the number of seats on each individual committee of the authority allocated to each political group bears the same proportion to the proportion on the full Council.

2.6 Thus the Labour Group has been allocated $48/75$ ths of the 280 seats = 179.2 seats (rounded to 180)

The Conservative Group has been allocated $21/75$ ths of the 280 seats = 78.4 seats (rounded to 79)

The Independent Group has been allocated $4/75$ ths of the 270 seats = 14.9 seats (rounded to 15).

The above rounded figures account for 274 seats and the remaining 6 arise from the fact that there are now two Councillors who are not in any political group and are, therefore, not entitled to any allocation under this principle. Divided between the groups proportionately, the 6 remaining seats are distributed as follows:

- Labour Group has been allocated $48/75$ ths of the 6 seats = 3.84 seats (rounded to 4)

- Conservative Group has been allocated 21/75ths of the 6 seats= 1.68 seats (rounded to 2)
- Independent Group has been allocated 4/75ths of the 6 seats= 0.31 seats (rounded to 0)

This gives a final, revised overall allocation of 184 (previously 181) seats to the Labour Group, 81 seats (previously 84) to the Conservative Group and 15 seats (stays the same) to the Independent Group.

2.7 The approach adopted has been to calculate the appropriate figure on each Committee. Bearing in mind that the duty is to give effect so far as is practicable to the principles, the figures have to be rounded up or down to the nearest whole number to fulfil the third principle and then the final principle. In practice this is an extremely difficult exercise and not a precise science. The existing Committee allocations are set out for information at Annex A and the revised allocation is set out at Annex B.

2.8 The Council previously agreed, under Section 17 of the 1989 Act, to approve “alternative arrangements” for the allocation of seats other than on the basis of strict political balance, to allow Councillor P Dixon to be allocated a seat on the Prosperity and Economic Development Scrutiny Committee. This arrangement may be affirmed provided that no Member votes against the proposal.

3.0 Appeals under the Education Acts – Constitution of Panel Members

3.1 In accordance with usual practice and to comply with the Council's duty, under the School Standards Framework Act 1998, to establish a Panel of Persons from whom Appeals Panels may be constituted, advertisements have been placed seeking applications from members of the public to sit on the Appeals Panel.

3.2 A new application as a lay member has been received from Mr Edward Palmer. Satisfactory references have been received and the Council is requested to consider the application.

4.0 Appointment of Co-Opted Members to the Children, Young People and Learning Scrutiny Committee

4.1 The Council, at its last meeting, agreed nominations for Co-opted Members to the Children, Young People and Learning Scrutiny Committee. Council is now asked to note the resignations of two

Parent Governor Representatives on the Committee, Mrs A Goulden and Mr D Snowdon.

- 4,2** Mrs Rose A Elliott has been nominated to fill one of the vacant Parent Governor Positions and Council is requested to consider the nomination.

5.0 Recommendations

5.1 The Council is now recommended to:

- (i) note the revised allocation of seats in line with the change in political balance and re-affirm the “alternative arrangements” for the allocation of seats other than on the basis of strict political balance, to allow Councillor P Dixon to be allocated a seat on the Prosperity and Economic Development Scrutiny Committee,
- (ii) consider Conservative nominations to the seats vacated by Councillor Wake on the Community and Safer City Scrutiny Committee, the Adult Services Complaints Panel and the Development Control (Hetton, Houghton and Washington) Sub-Committee,
- (iii) consider removing one Conservative Group Member each from the Prosperity and Economic Development Scrutiny Committee, the Planning and Highways Committee and the Joint Consultative Committee and replacing them with one Member each nominated by the Labour Group,
- (iv) consider the appointment of Mr Edward Palmer to the Education Appeals Panel,
- (v) note the resignations of the two Parent Governor representatives on the Children, Young People and Learning Scrutiny Committee and consider the appointment of Mrs Rose A Elliott to one of the resultant vacancies.

Allocation of Committee Seats 2009/2010 (current) - Appendix A

Council Composition	Input data total	Labour 48		Conservative 22		Liberal Dem 1		Independent 4		total
		decimal	seats	decimal	seats	decimal	seats	decimal	seats	
Committees	seats									
Audit and Governance Committee	5	3.2000	3	1.4667	2	0.0667	0	0.2667	0	5.0000
Personnel Committee	12	7.6800	8	3.5200	4	0.1600	0	0.6400	0	12.0000
Management Scrutiny Committee	11	7.0400	8	3.2267	3	0.1467	0	0.5867	0	11.0000
Children, Young People & Learning Scrutiny Committee	11	7.0400	7	3.2267	4	0.1467	0	0.5867	0	11.0000
Health & Well Being Scrutiny Committee	11	7.0400	7	3.2267	3	0.1467	0	0.5867	1	11.0000
Environment & Attractive City Scrutiny Committee	11	7.0400	7	3.2267	3	0.1467	0	0.5867	1	11.0000
Community & Safer City Scrutiny Committee	11	7.0400	7	3.2267	3	0.1467	0	0.5867	1	11.0000
Sustainable Communities Scrutiny Committee	11	7.0400	7	3.2267	3	0.1467	0	0.5867	1	11.0000
Prosperity & Economic Development Scrutiny Committee	11	7.0400	7	3.2267	4	0.1467	0	0.5867	0	11.0000
Planning & Highways Committee	25	16.0000	16	7.3333	8	0.3333	0	1.3333	1	25.0000
Licensing Committee	15	9.6000	10	4.4000	4	0.2000	0	0.8000	1	15.0000
Regulatory Committee	15	9.6000	10	4.4000	4	0.2000	0	0.8000	1	15.0000
Homelessness Appeals Panel	10	6.4000	6	2.9333	3	0.1333	0	0.5333	1	10.0000
Adult Serv Complaints Panel	10	6.4000	7	2.9333	3	0.1333	0	0.5333	0	10.0000
Education Complaints Panel	10	6.4000	6	2.9333	3	0.1333	0	0.5333	1	10.0000
Education (Appointment of Govs) Panel	10	6.4000	6	2.9333	3	0.1333	0	0.5333	1	10.0000
Appeals Committee	20	12.8000	13	5.8667	6	0.2667	0	1.0667	1	20.0000
Joint Consultative Committee	8	5.1200	5	2.3467	3	0.1067	0	0.4267	0	8.0000
Adult Social Care Partnership Board	5	3.2000	4	1.4667	1	0.0667	0	0.2667	0	5.0000
Corporate Parenting Board	12	7.6800	8	3.5200	3	0.1600	0	0.6400	1	12.0000
Totals	234	149.7600	152	68.6400	70	3.1200	0	12.4800	12	234.0000
Allocation on Scrutiny Committees	77	49.2800	50	22.5867	23	1.0267	0	4.1067	4	77.0000
Sub Committees										
Dev Control (North) Sub Committee	10	6.4000	6	2.9333	3	0.1333	0	0.5333	1	10.0000
Dev Control (South) Sub Committee	17	10.8800	11	4.9867	5	0.2267	0	0.9067	1	17.0000
Dev Control (Hett, Hough & Wash) Sub Committee	14	8.9600	9	4.1067	4	0.1867	0	0.7467	1	14.0000
Members Development Sub Committee	5	3.2000	3	1.4667	2	0.0667	0	0.2667	0	5.0000
Totals	46	29.4400	29	13.4933	14	0.6133	0	2.4533	3	46.0000
Grand Totals	280	179.2000	181	82.1333	84	3.7333	0	14.9333	15	46.0000

Allocation of Committee Seats 2009/2010 (New) - Appendix B

Council Composition	Input data total seats	Labour 48		Conservative 21		No Group 2		Independent 4		total
		decimal	seats	decimal	seats	decimal	seats	decimal	seats	
Committees										
Audit and Governance Committee	5	3.2000	3	1.4000	2	0.1333	0	0.2667	0	5.0000
Personnel Committee	12	7.6800	8	3.3600	4	0.3200	0	0.6400	0	12.0000
Management Scrutiny Committee	11	7.0400	8	3.0800	3	0.2933	0	0.5867	0	11.0000
Children, Young People & Learning Scrutiny Committee	11	7.0400	7	3.0800	4	0.2933	0	0.5867	0	11.0000
Health & Well Being Scrutiny Committee	11	7.0400	7	3.0800	3	0.2933	0	0.5867	1	11.0000
Environment & Attractive City Scrutiny Committee	11	7.0400	7	3.0800	3	0.2933	0	0.5867	1	11.0000
Community & Safer City Scrutiny Committee	11	7.0400	7	3.0800	3	0.2933	0	0.5867	1	11.0000
Sustainable Communities Scrutiny Committee	11	7.0400	7	3.0800	3	0.2933	0	0.5867	1	11.0000
Prosperity & Economic Development Scrutiny Committee	11	7.0400	8	3.0800	3	0.2933	0	0.5867	0	11.0000
Planning & Highways Committee	25	16.0000	17	7.0000	7	0.6667	0	1.3333	1	25.0000
Licensing Committee	15	9.6000	10	4.2000	4	0.4000	0	0.8000	1	15.0000
Regulatory Committee	15	9.6000	10	4.2000	4	0.4000	0	0.8000	1	15.0000
Homelessness Appeals Panel	10	6.4000	6	2.8000	3	0.2667	0	0.5333	1	10.0000
Adult Serv Complaints Panel	10	6.4000	7	2.8000	3	0.2667	0	0.5333	0	10.0000
Education Complaints Panel	10	6.4000	6	2.8000	3	0.2667	0	0.5333	1	10.0000
Education (Appointment of Govs) Panel	10	6.4000	6	2.8000	3	0.2667	0	0.5333	1	10.0000
Appeals Committee	20	12.8000	13	5.6000	6	0.5333	0	1.0667	1	20.0000
Joint Consultative Committee	8	5.1200	6	2.2400	2	0.2133	0	0.4267	0	8.0000
Adult Social Care Partnership Board	5	3.2000	4	1.4000	1	0.1333	0	0.2667	0	5.0000
Corporate Parenting Board	12	7.6800	8	3.3600	3	0.3200	0	0.6400	1	12.0000
Totals	234	149.7600	155	65.5200	67	6.2400	0	12.4800	12	234.0000
Allocation on Scrutiny Committees	77	49.2800	51	21.5600	22	2.0533	0	4.1067	4	77.0000
Sub Committees										
Dev Control (North) Sub Committee	10	6.4000	6	2.8000	3	0.2667	0	0.5333	1	10.0000
Dev Control (South) Sub Committee	17	10.8800	11	4.7600	5	0.4533	0	0.9067	1	17.0000
Dev Control (Hett, Hough & Wash) Sub Committee	14	8.9600	9	3.9200	4	0.3733	0	0.7467	1	14.0000
Members Development Sub Committee	5	3.2000	3	1.4000	2	0.1333	0	0.2667	0	5.0000
Totals	46	29.4400	29	12.8800	14	1.2267	0	2.4533	3	46.0000
Grand Totals	280	179.2000	184	78.4000	81	7.4667	0	14.9333	15	46.0000