

COMMITTEE APPOINTMENTS AND PROPORTIONALITY MAY 2022



1. PURPOSE

- 1.1. This paper follows the Local Election held on the 5 May 2022 and subsequent changes to political groups.

2. PROPOSED CHANGES TO PROPORTIONALITY CALCULATIONS

- 2.1. Removal of the **Devon and Cornwall and Isles of Scilly Police and Crime Panel** as the requirement for proportionality is the responsibility of the panel and not the appointing authority. In addition the number of appointments is below three and therefore is not required to form part of proportionality calculations.
- 2.2. As the appointments to the **Heart of the South West Local Enterprise Partnership Scrutiny Committee** is below two members it is not required to be part of proportionality requirements.
- 2.3. We have a statutory requirement to include **Devon and Somerset Fire and Rescue Authority** within proportionality calculations as it is a prescribed body (Sch.1 para.2(1)), appointed under a local Act and a joint committee appointed under the 1972 Act s.102(1)(b)
- 2.4. **Lord Mayor Selection Committee** and the **Standards Advisory Group** are committees of the Council and therefore should also be included in the proportionality calculations.

3. LEGISLATIVE REQUIREMENTS OF PROPORTIONALITY

- 3.1. Section 15 (5) of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments. The Act requires that the review should be held at the Annual General Meeting or as soon as practicable after that meeting or when the membership of the Council changes.
- 3.2. The Act provides four principles concerning political representation that must be observed when conducting a review. These are:
 - a) that not all the seats on committees are allocated to the same political group;
 - b) that the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;
 - c) subject to (a) and (b), that the number of seats on committees which are allocated to each group bears the same proportion to the total of all the seats on committees of the council as is borne by the number of members of that group to the membership of the authority, and
 - d) Subject to (a) to (c) above, that the number of seats on each committee which are allocated to each political group bears the same proportion to the number of all the seats on that committee as is borne by the number of members of that group to the membership of the authority.
- 3.3. The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles only by a unanimous vote, with no member voting against.

3.4. The Committees and Panels to which the provisions of Section 15 of the Act apply, and the recommended allocation of seats on each, applying the principles of the Act as closely as is reasonably practicable, are shown in Section 2 below. The recommended allocation of seats reflects the four proportionality principles so far as reasonably practicable.

4. OVERALL PROPORTIONALITY 2021/2022 - NUMBER OF SEATS ON COUNCIL

Group	February 2022
Conservative	29 (50.8%)
Labour	24 (42.1%)
Green	2 (3.5%)
Independent #1	1 (1.75%)
Independent #2	1 (1.75%)

* There are 57 members on Plymouth City Council. The Local Government and Housing Act 1989, which sets out how seats should be allocated to members on a Council, describes the distribution of seats between the political Groups into which the Council has divided itself. There is no seat entitlement to members who are not in a Group. The definition of what constitutes a group on a Council is covered in The Local Government (Committees and Political Groups) Regulations 1990 and can be found in the following link <https://www.legislation.gov.uk/ukssi/1990/1553/part/III/made>

A single representative does not constitute a Group which is defined as a number of persons bound together by common interests. As such, a single Member is not entitled to any Committee seats. This is consistent with practice previously employed by the Council in similar circumstances.

4.1. The application of the legislative principles is set out below:

Local Government Act 1989 – Principles	Is this principle met?
a. that not all the seats on committees are allocated to the same political group	Principle Met
b. that the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;	Principle Met
c. subject to (a) and (b), that the number of seats on committees which are allocated to each group bears the same proportion to the total of all the seats on committees of the council as is borne by the number of members of that group to the membership of the authority;	Principle met - as far as reasonably practicable due to the requirement to ensure that the majority party holds the majority of committee seats.
d. Subject to (a) to (c) above, that the number of seats on each committee which are allocated to each political group bears the same proportion to the number of all the seats on that committee as is borne by the number of members of that group to the membership of the authority.	Principle met - as far as reasonably practicable due to the requirement to ensure that the majority party holds the majority of committee seats.

5. 2022/23 ALLOCATION ACROSS COMMITTEES

	Con	Prop	Lab	Prop	Green	Prop	Total
Councillors	29	50.8%	24	42.1%	2	3.5	55 (of 57)
Seat Allocation as % membership	67		55		5		
Planning Committee	7		6				13
Taxi Licensing Committee	4		3				7
Licensing Committee	7		6				13
Chief Officer Appointments Panel	4		3				7
Chief Officer Disciplinary Panel	4		3				7
Chief Officer Appeals Panel	4		3				7
Audit and Governance Committee	3		2				5
Tamar Bridge and Torpoint Ferry JC	3		2				5
Devon and Somerset Fire Authority	3		1				4
Growth and Infrastructure Scrutiny Committee	7		5		1		13
Performance Scrutiny Committee	7		5		1		13
Children's Scrutiny Committee	7		5		1		13
Health Scrutiny Committee	7		5		1		13
Standards Advisory Board	4		2				6
Lord Mayors Selection Committee	4		3				7
Seats allocated	75 (+8)		54 (-1)		4 (-1)		132

Other Committees (not included in political balance calculations)				
	Conservative	Labour	Green	
Devon Audit Partnership (not proportional)	2	0	0	2
Joint Health Scrutiny (not proportional)	2	1	0	3
Health and Wellbeing Board (not proportional)	2	2	0	4
Devon and Cornwall Police and Crime Panel	1	1	0	2

Corporate Parenting Group (political equality by convention)	4	4	0	8
Mount Edgcumbe Joint Committee	4	3	0	7
South West Devon Joint Waste Partnership	2	1	0	3
Child Poverty Working Group	3	3	0	6
Equalities Working Group	3	2	0	5