

I. LEGISLATIVE REQUIREMENTS OF PROPORTIONALITY

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. Following discussions with group leaders / whips it was decided this would be best conducted after the by-election to take into account result of that ballot and the new 'Independent' status of a Member.

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.

The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles only by a unanimous vote.

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 **Annex 1**. The recommended allocation of seats reflects the four proportionality principles as accurately as reasonably practicable.

Group appointments are detailed at **Annex 2**.

2. DEVON AND CORNWALL POLICE AND CRIME PANEL

Police and Crime Panels are required to make arrangements to meet the "balanced appointment objective" Schedule 6, Police Reform and Social Responsibility Act 2011 (as a result of being a multi-authority panel).

In May 2018 in order to meet the objective the two Plymouth seats were allocated to Labour. As a result, Labour agreed not to have the majority on the Chief Officers Appointment Panel. This is reflected in the Annexe below.

Annex I: Proportionality**Number of Seats on Council**

	Seats on Council
Labour	30 (52.63%)
Conservatives	26 (45.61%)
Independent*	1 (1.75%)
Total	57

* 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. Therefore strictly speaking 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/uksi/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 (e.g. 2013 AGM when there was a single independent member).

Proportionality by Committee

Political Representation	Lab	Con	Ind	Total
Council Seats	30	26	1	
Percentage Representation	52.63	45.61	1.75	99.99
<u>Planning</u>	7 (6.8)	6 (5.92)	0 (0.22)	13
Taxi Licensing	4 (3.68)	3 (3.19)	0 (0.12)	7
Licensing	8 (7.89)	7 (6.84)	0 (0.26)	15
Chief Officer <u>Appointments</u> Panel	4 (3.68)	3 (3.19)	0 (0.12)	7
Chief Officer Appeals Panel	4 (3.68)	3 (3.19)	0 (0.12)	7
Chief Officer Disciplinary Panels	3 (3.68)	4 (3.19)	0 (0.12)	7

Political Representation	Lab	Con	Ind	Total
Audit	3 (2.63)	2 (2.28)	0 (0.08)	5
Tamar Bridge and Torpoint Ferry	3 (2.63)	2 (2.28)	0 (0.08)	5
Devon and Cornwall Police and Crime Panel	2 (1.05)	0 (0.91)	0 (0.03)	2
Brexit, Infrastructure and Legislative Change	5 (4.7)	4 (4.10)	0 (0.15)	9
Performance, Finance and Customer Focus	5 (4.7)	4 (4.10)	0 (0.15)	9
Education and Children's Social Care	5 (4.7)	4 (4.10)	0 (0.15)	9
Health and Adult Social Care	5 (4.7)	4 (4.10)	0 (0.15)	9
Totals	58	46	0	104

The principles of Section 15 (5) have been applied insofar as possible in the following way:

Principle (a) – The seats will be allocated between the Labour and Conservative Groups

Principle (b) – As the majority group, the Labour group will receive the majority of seats on each committee

Principle (c) – Subject to (a) and (b), the allocation of seats on all committees is based on the groups' percentage of total Council membership

Principle (d) – Subject to (a) to (c), each group has the same proportion of seats on each committee as it holds on the Council as a whole