

Allerdale Borough Council

Council – 8 December 2021

Governance Updates

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| Portfolio holder | Councillor M Fitzgerald, PH Policy, Governance and People Resources |
| Report from | Sharon Sewell, Chief Officer Place & Governance, Monitoring Officer |
| Wards affected | All wards |
| Is this a key decision | No |

1.0 The reason for the decision

- 1.1 To note a change in membership of the Audit Committee following the resignation of Councillor King from the committee.
- 1.2 Following the local by-election for the Allerdale Borough Maryport South Ward this report sets out the consequent change to the allocation of seats on committees and panels.

2.0 Recommendations

- 2.1 To note that Councillor Paul Scott is to be appointed to the Audit Committee for the Allerdale Independent Group to replace Councillor Janet King.
- 2.2 That the distribution of seats across committees as set out in paragraph 4.8 and 4.10 of the report be approved, to accord with the rules on proportionality as far as is practicable.
- 2.3 That the political groups confirm memberships in line with paragraph 4.11.

3.0 Background and Introduction

- 3.1 On 3 October 2021 Councillor Janet King resigned in writing to Democratic Services from her seat on the Audit Committee with immediate effect. This is an Allerdale Independent Group seat.

- 3.2 On the 19 October Councillor Peter Little received a custodial prison sentence of 6 weeks to run consecutively with an existing suspended sentence of 12 weeks therefore serving an 18 week sentence.
- 3.3 Under the ruling of S80 of the Local Government Act 1972 Peter Little was automatically disqualified as an Allerdale Borough councillor with immediate effect and the Council was required by law to begin the process to run a by-election to fill the vacant seat.
- 3.4 The by-election for Maryport South Ward was held on Thursday 25 November 2021, Labour candidate Bill Pegram was successfully elected to this seat and has subsequently joined the Council Labour Group which has resulted in a change to the composition of the Council. It is therefore necessary for the Council to review the allocation of the seats on Council committees and panels so that they comply with the provisions of the Local Government and Housing Act 1989.

4.0 Content

- 4.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups.
- 4.2 The Local Government (Committees and Political Groups) Regulations 1990 make provision for securing the political balance on councils and their committees and for determining the voting rights of members of certain committees. These Regulations make no reference to the treatment of councillors who are not members of a political group in councils which are divided into political groups.
- 4.3 Council is now required to review the allocation of seats on committees to political groups.
- 4.4 The first stage of the review is to make a calculation of the numerical allocation of seats based on the percentage of seats to which each political group would be entitled when applying the normal rounding up/down rules. Once this has been worked out, then the places on each committee have to be proportionate to the number of seats that each political group has on the Council.
- 4.5 There is no strict entitlement calculation applicable to councillors who are not members of a political group; however, following the calculations and allocation of seats to political groups, the Council may exercise its discretion by appointing the non-grouped members to any seats not otherwise allocated, provided that no councillor votes against the proposal. In doing this, the Council may also allocate seats to those committees requiring a balancing adjustment.
- 4.6 On 24 June 2021 Councillor Stephen Stoddart resigned from his seat on the Overview and Scrutiny Committee and all other Council committees going forward and is therefore not included in the calculations.
- 4.7 On 16 August 2021 Councillor Will Wilkinson resigned from the Allerdale Independent Group and as a result of an ongoing Standards complaint he had

previously removed himself from all Council committees for a twelve month period. Councillor Wilkinson has therefore confirmed that he does not wish to be included in the calculations at this point.

- 4.8 The political make-up of the Council and entitlement to seats across committees is now as follows:

| Political Group | Seats on Council | Entitlement to Committee Seats |
|-------------------------|-------------------------|---------------------------------------|
| Allerdale Conservatives | 18 | 25 |
| Allerdale Independents | 15 | 21 |
| Labour | 14 | 20 |
| Moorclose Independent | 1 | 0 |
| St Michaels Independent | 1 | 0 |
| Total | 49 = Total | 66 = Total |

- 4.9 Following the recalculations the Allerdale Conservatives Group total seat allocation remains unchanged, the Allerdale Independent Group has lost 2 seats and the Labour Group has gained 2 Seats.

- 4.10 The impact on the individual committees and panels is as follows;

| Committee | Size | All. Cons | All. Inds | Labour |
|--------------------------------|-------------|------------------|------------------|---------------|
| Audit Committee | 7 | 3 | 2 | 2 |
| Chief Officer Employment Panel | 5 | 2 | 1 | 2 |
| Development Panel | 12 | 4 | 4 | 4 |
| Discretionary Housing Payments | 3 | 1 | 1 | 1 |
| Licensing Committee | 15 | 6 | 5 | 4 |
| Overview & Scrutiny Committee | 12 | 4 | 4 | 4 |
| Personnel Tribunal | 5 | 2 | 2 | 1 |
| Standards Committee | 7 | 3 | 2 | 2 |
| Total | 66 | 25 | 21 | 20 |

4.11 The Allerdale Conservative Group will need to remove one member from Overview and Scrutiny Committee and nominate a member for the Standards Committee.

The Allerdale Independent Group will need to remove one member from the Chief Officer Employment Panel and remove one member from the Standards Committee.

The Labour Group will need to nominate a member to sit on the Chief Officer Employment Panel and one to sit on Overview and Scrutiny Committee.

5.0 Delivery arrangements

5.1 Not applicable to this report.

6.0 Implications and Impact

6.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

6.2 Finance/Resource implications

These costs can be met from existing resources.

6.3 Legal and governance implications

Appointments to committees are made in line with the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990.

6.4 Risk analysis

A scored and mitigated risk log

| Risk | Consequence | Controls required | Mitigated score |
|--|----------------------------|---|------------------------|
| Political membership not fully represented | Inability to hold meetings | Nominations provided by Group Leaders. Provision for substitute members where appropriate | Low |

6.5 Increasing satisfaction and service

Not applicable to this report.

6.6 Equality impacts

Equality impacts have been considered.

6.7 Health and Safety impacts

There are no health and safety implications directly associated with this report.

6.8 Health, wellbeing and community safety impacts

There are no health, wellbeing and community safety implications directly associated with this report.

6.9 Environmental/sustainability impacts

There are no environmental/sustainability implications directly associated with this report.

6.10 Other significant implications

None

Appendices attached to this report

| Appendix number | Title of appendix |
|------------------------|--------------------------|
| N/A | |

Background documents available

| Name of background document | Where it is available |
|------------------------------------|------------------------------|
| N/A | |

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