

Westmorland and Furness Shadow Authority Meeting

17 May 2022

Political Balance, Allocation of Committee Places

Report from: Linda Fisher, Technical Lead Legal and Democratic Workstream and Monitoring Officer (South Lakeland District Council)

Report Author: Debbie Storr, Monitoring Officer (Barrow Borough Council)

Wards: All

Key Decision: N

1.0 Purpose/Summary of report

1.1 This report provides the political balance information following elections on 5 May 2022 and invites the Shadow Authority to agree the allocation of committee places between the political groups in accordance with the political balance requirements of the Local Government and Housing Act 1989.

2.0 Recommendation

2.1 It is recommended that Council:-

- (1) notes the political balance of the Council, as set out in Appendix 1; and**
- (2) notes the creation of a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000(s) arrangements with respect to local authority governance ("the shadow executive");**
- (3) agrees the allocation of places on committees between the political groups in accordance with the political balance requirements of the Local Government and Housing Act 1989, as set out at paragraph 3.11 and Appendix 2; and**

- (4) receives nominations of councillors to serve on each committee (details to be circulated at the meeting) and agrees to the appointment of Members to the Council's committees as set out in Appendix 3.**
- (5) Considers the appointment of Chairs and Vice Chairs (details to be circulated prior to the meeting)**

3.0 Background and Proposals

- 3.1 The Cumbria (Structural Changes) Order 2022 ("the 2022 Order") provided for the establishment of a single tier of local government in Cumbria. Westmorland and Furness Council is one of two new Councils which will be established on 1 April 2023. The new councils to which elections were held on 5 May 2022 will operate as "Shadow Authorities" until 1 April 2023. This report provides an update of the makeup of the Council following the elections and seeks to agree allocation of committee places in accordance with the political balance requirements.
- 3.2 Following the elections held on 5 May 2022, details of the political balance of the Council and political membership of the Council are as shown in Appendix 1.
- 3.3 The responsibility for Council functions delegated to each committee and the size of each committee is set out in Part 3 of the Council's Constitution considered elsewhere on the agenda. Copies of the Constitution have been made available to all members prior to this meeting and will be made available on the Council's website.
- 3.4 Under the 2022 Order the Shadow Authority at its first meeting must create a leader and cabinet executive ("the shadow executive within the meaning of Part 1A of the Local Government Act 2000). Adoption of the Constitution will establish the leader and cabinet executive. Items elsewhere on this agenda will deal with the election of the Leader and receive names of the Executive Members.
- 3.5 In addition, the Local Government and Housing Act 1989 ("the 1989 Act") and its associated regulations, requires the Shadow Authority at its first meeting, or as soon as practicable afterwards following any changes to its political makeup, to review the representation of political groups and determine the allocation of seats (i.e. proportionality) to committees.
- 3.6 The 1989 Act states that when carrying out calculations to apply political balance to committees, only those elected members who are members of political groups are to be counted. However, Council can determine whether it wishes to allocate a seat(s) to a member not part of a political group on such committees as Council deems necessary by passing a resolution with no- Members voting against it.

- 3.7 The composition of the political groups is as show in Appendix 1.
- 3.8 The following principles must be applied in allocating committee places, in order of priority;
- 3.8.1 that not all seats on all committees are allocated to the same political group;
 - 3.8.2 That the majority of seats on all committees are allocated to the political group that has a majority of the Shadow Authority's membership or otherwise reflects the make-up of the Shadow Authority;
 - 3.8.3 That subject to 3.8.1 and 3.8.2 above, the number of seats for all main committees which are allocated to each political group bears the same proportion to the total of all the seats on the main committees as is borne by the number of members of that group to the membership of the Shadow Authority; and
 - 3.8.4 Subject to 3.8.3 the number of seats on the individual committees allocated to each political group bears the same proportion to the number of seats of that committee as is borne by the number of members of that group to the membership of the Authority.
- 3.9 There are 28 Committee places which must be allocated. (NB constitutional requirement that no member of the Shadow Executive may be a member of the Overview and Scrutiny Committee, and at least one member of the Senior Appointments Committee should be a Shadow Executive member).
- 3.10 The allocation of seats for the recognised groups is shown in appendix 2 which will be circulated prior to the meeting. The proposed allocation of places on the committees will be circulated in an Appendix 3 prior to the meeting together with nominations for Chairs and Vice-Chairs of the appropriate committees.

4.0 Consultation

- 4.1 The leaders of the political groups are in the process of being consulted and have been asked for nominations in relation to committee places where applicable.

5.0 Alternative Options

- 5.1 The Council is required to give consideration to the allocation of committee places, etc as provided for in this report.

6.0 Implications

Financial, Resources and Procurement

6.1 There are no financial, resource or procurement implications arising as a result of this report.

Human Resources

6.2 There are no additional staffing implications arising as a result of this report.

Legal

6.3 The report and its recommendations have regard to the relevant legislation and constitutional requirements.

Health and Sustainability Impact Assessment

6.4 Have you completed a Health and Sustainability Impact Assessment? No - there are no health, or sustainability impacts arising as a result of this report.

Equality and Diversity

6.6 Have you completed an Equality Impact Analysis? No it is considered that the recommendations will have a neutral effect on equality and diversity.

Risk Management	Consequence	Controls required
Committees not properly constituted	Challenge to decision making process	Review constitutional makeup
Constitution not up to date	Challenge to decision making process Failure to comply with relevant legislation	Ensure review and make any necessary changes

Contact Officers

Linda Fisher, Monitoring Officer and Technical Lead Legal and Democratic Work Stream (South Lakeland District Council)

7.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Political Make up and membership of the Council
2	Allocation of Committee Places
3	Committee membership list and nominations for Chairs/Vice-Chairs(to follow)

Background Documents Available

Name of Background document	Where it is available
Constitution	As attached to agenda
Local Government and Housing Act 1989	https://www.legislation.gov.uk/id/ukpga/1989/42
Localism Act 2011	https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted