

# CARLISLE CITY COUNCIL

Report to:- THE MAYOR AND MEMBERS OF THE CITY COUNCIL

Date of Meeting:- 29 APRIL 2003

Agenda Item No:-

19

Public	Policy	Delegated: Yes	
<b>Accompanying Comments and Statements</b>		<b>Required</b>	<b>Included</b>
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
Financial Comments:		No	No
Legal Comments:		Yes	Yes
Personnel Comments:		No	No

**Title:-** PROPOSED CHANGES TO THE SIZE OF THE OVERVIEW AND SCRUTINY COMMITTEES

**Report of:-** HEAD OF LEGAL AND DEMOCRATIC SERVICES

**Report reference:-** LDS 28/03

## Summary:-

The Overview and Scrutiny Management Committee recently considered a report showing the consequences for political balance if the size of the 3 Overview and Scrutiny Committees is increased to 10 and 12 Members respectively. The Management Committee recommended the Council to consider increasing the number of Members on the 3 Overview and Scrutiny Committees to 10 as from the start of the next municipal year and a copy of their recommendations is attached, together with a copy of the report which they considered.

## Recommendation:-

The Council is asked to consider the recommendations from the Overview and Scrutiny Management Committee to increase the size of the 3 Overview and Scrutiny Committees to 10 Members each in accordance with the attached recommendation, with a view to any changes becoming operative as from the Annual Council and with any consequential changes being made to the Council's Constitution.

**Contact Officer:** John Egan

**Ext:** 7004

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

OSM.23/03 PROPOSED CHANGES TO THE SIZE OF OVERVIEW AND SCRUTINY COMMITTEES

The Head of Legal and Democratic Services reported (LDS.21/03) on the consequences for political balance if the size of the three Overview and Scrutiny Committees (Corporate Resources, Infrastructure and Community) were increased from their present eight Members to ten and twelve Members respectively. The Head of Legal and Democratic Services set out for Members the calculations of political balance in respect of those proposals and also reported on the position with regard to the appointment of substitutes.

Members commented on the report and questioned the Head of Legal and Democratic Services on the implications of the forthcoming elections on political balance.

Members also commented that one of the reasons for considering the size of Overview and Scrutiny Committees was an attempt to involve those Members who were not currently either Members of the Executive or Members of the Overview and Scrutiny Committees in the Council's processes.

Members also commented on the outcome of recent training sessions which had indicated there was a general feeling that smaller Overview and Scrutiny Committees were more effective and those Overview and Scrutiny Committees could be supported by smaller Working Groups, including both Overview and Scrutiny Committee Members and other non-Executive Members to investigate/consult on different issues.

The Head of Legal and Democratic Services added that whilst any increase in the size of the Overview and Scrutiny Committees would need to be agreed by the full meeting of the City Council changes in respect of the way in which the Overview and Scrutiny Committees operated, including the delegation of consultative issues to small working groups was a matter for the Overview and Scrutiny Committees to determine.

RESOLVED – (1) That the City Council be recommended to increase the size of the three Overview and Scrutiny Committees (Corporate Resources, Community and Infrastructure) from their current eight Members to ten Members from the commencement of the Municipal Year 2003/04.

(2) That for each committee the Council appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee up to a maximum of three for each political group.

# CARLISLE CITY COUNCIL

Report to:- **OVERVIEW AND SCRUTINY MANAGEMENT  
COMMITTEE (SPECIAL MEETING)**

Date of Meeting:- 14 APRIL 2003

Agenda Item No:-

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Public	Policy	Delegated No
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	Yes	Yes
Personnel Comments:	No	No

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Title:- **PROPOSED CHANGES TO THE SIZE OF THE OVERVIEW  
AND SCRUTINY COMMITTEES**

Report of:- **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

Report reference:- **LDS.21/03**

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## Summary:-

To inform Members of the consequences for political balance if the size of the 3 Overview and Scrutiny Committees is increased to 10 and 12 Members respectively.

## Recommendations:

The Management Committee is asked to consider the calculations and make any recommendations for change which it considers to be appropriate to the full Council Meeting on 29 April next, with a view to any changes becoming operative as from the next Annual Council with any consequential changes being made to the Council's Constitution.

Contact Officer: John Egan

Ext: 7004

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## 1. **Background**

- 1.1. The Overview and Scrutiny Management Committee at its last meeting on 13 March indicated that it wished to give consideration to the possibility of requesting the Council to increase the size of the 3 Overview and Scrutiny Committees (excluding the Management Committee) from their current 8 Members to either 10 or 12 Members.
- 1.2 Members asked for a report on the political balance implications in pursuing either of these proposed changes. The intention was that the report be circulated in advance to each of the political groups so that they could consider their respective responses.

## 2. **Calculation of Political Balance**

- 2.1 I have attached to this report separate calculations showing the political balance implications of moving to 10 Members (shown in Appendix 1) and 12 Members (shown in Appendix 2) on each of the 3 Overview and Scrutiny Committees.
- 2.2 The Committee at its last meeting also raised the question of the use of substitutes at Overview and Scrutiny meetings. The Council Procedure Rules presently allow for substitutes (Rule 4.2) and permit the political groups to appoint substitutes for each of their Members on the relevant Committee and these appointments are made by the Council at the Annual meeting. There is ongoing debate about the legality of substitutes which has never really been bottomed and, if they are to be used, then there must be procedures in place to produce certainty that they have been legally made. I would therefore recommend that the current procedure remains in place because it does produce certainty and clarity and goes as far as possible (in the absence of specific enabling legislation or litigation on the point) to produce a robust system of appointments.

## 3. **Recommendations**

- 3.1 The Management Committee is asked to consider the calculations and make any recommendations for change which it considers to be appropriate to the full Council Meeting on 29 April next, with a view to any changes becoming operative as from the next Annual Council with any consequential changes being made to the Council's Constitution.

**CALCULATION OF AGGREGATE ENTITLEMENT TO SEATS -  
Three Overview and Scrutiny Committees of 10 Members**

1. The political balance on the full Council is:-

27 Conservatives; 18 Labour; 6 Liberal Democrat/Independent and 1 Independent member

2. There would be 73 seats in total on those Committees and Panels which are subject to the proportionality rules giving aggregate entitlements to the groups as follows:-

Conservatives	$\frac{27}{52} \times 73 = 37.90$	38 rounded up
Labour	$\frac{18}{52} \times 73 = 25.26$	25 rounded down
Liberal Democrat/Independent	$\frac{6}{52} \times 73 = 8.42$	8 rounded down
Independent	Remaining 2 seats	

## ALLOCATION OF SEATS ON COMMITTEES AND PANELS

	CONSERVATIVES	LABOUR	LIBERAL DEMOCRAT/ INDEPENDENT	INDEPENDENT
Licensing (8)	5 (4.15)	2 (2.76)	1 (0.92)	-
Development Control (12)	7 (6.23)	4 (4.15)	1 (1.38)	-
Overview Management (8)	5 (4.15)	2 (2.76)	1 (0.92)	-
Overview Community (10)	6 (5.19)	3 (3.46)	1 (1.15)	-
Overview Resources (10)	6 (5.19)	3 (3.46)	1 (1.15)	-
Overview Infrastructure (10)	6 (5.19)	3 (3.46)	1 (1.15)	-
Employment Panel (6)	4 (3.11)	2 (2.07)	- (0.69)	-
Appeals 1 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
Appeals 2 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
Appeals 3 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
<b>T O T A L</b>	<b>45 (38)</b>	<b>22 (25)</b>	<b>6 (8)</b>	<b>- (2)</b>

### NOTES:

1. The Conservative Group have to be given a majority of seats on all the Committees and Panels because they have a majority on the full Council, even though this may result in them exceeding their aggregate entitlement which is what has occurred in the above calculations.
2. It is not possible to allocate to the Labour and Liberal Democrat/Independent Groups their full aggregate entitlement of 25 and 8 seats respectively, because not enough seats remain once the Conservative Group have been given their majority on each Committee. The most that the Labour and Liberal Democrat/Independent Groups can be allocated is 22 seats and 6 seats respectively, which means that they each fall short of what would be their overall aggregate entitlement. The duty under the legislation is to apply the statutory principles of allocation in priority so far as reasonably practicable and this allocation therefore is in accordance with those principles.
3. The Standards Committee comprising of 5 City Councillors, 1 Parish Councillor and 2 independent members does not need to be politically balanced and therefore does not form part of the above calculations.

## OVERVIEW AND SCRUTINY WITH 10 SEATS EXPLANATION OF ALLOCATION AS BETWEEN LABOUR AND LIBERAL DEMOCRAT GROUPS

1. Labour are entitled to 25.26 of the aggregate total of Council seats. This represents exactly  $\frac{18}{52}$  of the total seats.
2. Liberal Democrats are entitled to 8.42 of the aggregate total of Council seats. This represents exactly  $\frac{6}{52}$  of the total seats.
3. The objective in the legislation is when allocating seats, to keep as near as reasonably practicable to these figures and fractions.
4. The need to give the Conservatives a majority on each Committee means that Labour and the Liberal Democrats will never get their full entitlement. One Group will have to be 2 seats short of their full entitlement and one 3 seats. The question is who loses the extra seat? In order to comply with the legislation it must be the Group which has the less outstanding "entitlement" to that seat to make sure that we keep as near as possible to the overall fractions of  $\frac{18}{52}$  and  $\frac{6}{52}$  ie to 25.26 seats for Labour and 8.42 seats for the Liberal Democrats.
5. If Labour were given 22 seats only, they would be 3.26 seats down from their aggregate entitlement and "perfect" fraction of  $\frac{18}{52}$ .
6. If the Liberal Democrats got 5 seats only, they would be 3.42 seats down from their aggregate entitlement or "perfect" fraction of  $\frac{6}{52}$ . On that basis, the Liberal Democrats should be allocated the third seat rather than Labour. This is because their 3.42 outstanding entitlement is worth more than Labour's 3.26 and therefore awarding the seat to the Liberal Democrats keeps the overall balance of the Council nearer to the ideal  $\frac{18}{52}$  and  $\frac{6}{52}$  fractions for those two groups.

**CALCULATION OF AGGREGATE ENTITLEMENT TO SEATS –  
Three Overview and Scrutiny Committees of 12 Members**

1. The political balance on the full Council is:-

27 Conservatives; 18 Labour; 6 Liberal Democrat/Independent and 1 Independent member

2. There would be 79 seats in total on those Committees and Panels which are subject to the proportionality rules giving aggregate entitlements to the groups as follows:-

Conservatives	$\frac{27}{52} \times 79 = 41.01$	41 rounded down
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Labour	$\frac{18}{52} \times 79 = 27.34$	27 rounded down
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Liberal Democrat/Independent	$\frac{6}{52} \times 79 = 9.11$	9 rounded down
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Independent	Remaining 2 seats	
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## ALLOCATION OF SEATS ON COMMITTEES AND PANELS

	CONSERVATIVES	LABOUR	LIBERAL DEMOCRAT/ INDEPENDENT	INDEPENDENT
Licensing (8)	5 (4.15)	2 (2.76)	1 (0.92)	-
Development Control (12)	7 (6.23)	4 (4.15)	1 (1.38)	-
Overview Management (8)	5 (4.15)	2 (2.76)	1 (0.92)	-
Overview Community (12)	7 (6.23)	4 (4.15)	1 (1.38)	-
Overview Resources (12)	7 (6.23)	4 (4.15)	1 (1.38)	-
Overview Infrastructure (12)	7 (6.23)	4 (4.15)	1 (1.38)	-
Employment Panel (6)	4 (3.11)	2 (2.07)	- (0.69)	-
Appeals 1 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
Appeals 2 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
Appeals 3 (3)	2 (1.55)	1 (1.03)	- (0.34)	-
<b>TOTAL</b>	<b>48 (41)</b>	<b>25 (27)</b>	<b>6 (9)</b>	<b>- (2)</b>

### NOTES:

1. The Conservative Group have to be given a majority of seats on all the Committees and Panels because they have a majority on the full Council, even though this may result in them exceeding their aggregate entitlement which is what has occurred in the above calculations.
2. It is not possible to allocate to the Labour and Liberal Democrat/Independent Groups their full aggregate entitlement of 25 and 9 seats respectively, because not enough seats remain once the Conservative Group have been given their majority on each Committee. The most that the Labour and Liberal Democrat/Independent Groups can be allocated is 25 seats and 6 seats respectively, which means that they each fall short of what would be their overall aggregate entitlement. The duty under the legislation is to apply the statutory principles of allocation in priority so far as reasonably practicable and this allocation therefore is in accordance with those principles.
3. The Standards Committee comprising of 5 City Councillors, 1 Parish Councillor and 2 independent members does not need to be politically balanced and therefore does not form part of the above calculations.

**OVERVIEW AND SCRUTINY WITH 12 SEATS  
EXPLANATION OF ALLOCATION AS BETWEEN  
LABOUR AND LIBERAL DEMOCRAT GROUPS**

1. Labour are entitled to 27.34 of the aggregate total of Council seats. This represents exactly  $\frac{18}{52}$  of the total seats.
2. Liberal Democrats are entitled to 9.11 of the aggregate total of Council seats. This represents exactly  $\frac{6}{52}$  of the total seats.
3. The objective in the legislation is, when allocating seats, to keep as near as reasonably practicable to these figures and fractions.
4. The need to give the Conservatives a majority on each Committee means that Labour and the Liberal Democrats will never get their full entitlement. One Group will have to be 2 seats short of their full entitlement and one 3 seats. The question is who loses the extra seat? In order to comply with the legislation, it should be the Group which has the less outstanding "entitlement" to that seat to make sure that we keep as near as possible to the overall fractions of  $\frac{18}{52}$  and  $\frac{6}{52}$  ie to 27.34 seats for Labour and 9.11 seats for the Liberal Democrats.
5. If Labour were given 24 seats only, they would be 3.34 seats down from their aggregate entitlement and "perfect" fraction of  $\frac{18}{52}$ .
6. If the Liberal Democrats were given 6 seats only, they would be 3.11 seats down from their aggregate entitlement and "perfect" fraction of  $\frac{6}{52}$ .
7. On that basis, Labour should be allocated the third seat rather than the Liberal Democrats. This is because their 3.34 outstanding entitlement is "worth" more than the Liberal Democrats 3.11 and therefore awarding the seat to the Liberal Democrats keeps the overall balance of the Council nearer to the ideal  $\frac{18}{52}$  and  $\frac{6}{52}$  fractions for those two groups.