

**GOVERNANCE COMMITTEE**

**23 NOVEMBER 2015**

**REPORT OF MONITORING OFFICER**

**POLITICAL GROUP MEMBERSHIP**

**1.0 PURPOSE OF REPORT**

- 1.1 At the meeting of the Full Council held on 14 October 2015, when considering the Welland Independent Remuneration Panel's report on the review of the non-administration Group Leader(s) allowance, the below was raised :-

*'...Councillor Orson stated that it was important to have a strong opposition but questioned whether two Members really constituted a group. He asked Mr. Cade if, during its next review, the panel would consider a minimum number of Members for a group. Mr. Cade replied that this was not an issue for the panel to consider but for the Council to determine; a minimum of two Members was considered the norm.*

*The Chief Executive advised that when the Political Groups' Regulations were initially introduced, it did state that a minimum of two Members would constitute a group for the purposes of the legislation. However, she undertook to check that this was still the position and confirmed that a report would be made to the Governance Committee in response to Councillor Orson's query.'*

- 1.2 This report responds to Councillor Orson's query.

**2.0 RECOMMENDATIONS**

- 2.1 **To note the legislation relating to political group membership.**

**3.0 KEY ISSUES**

- 3.1 The current guidance that governs the formation of a political group is set out in The Local Government (Committees and Political Groups) Regulations 1990, paragraph 8(2) and reads as follows :-

**8. Constitution of political groups**

- (1) A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which—**

**(a) is signed by two or more members of the authority who wish to be treated as a political group; and**

**(b) complies with the provisions of paragraph (3).**

- (2) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.**

- (3) ***A notice under paragraph (1) shall state—***
- (a) ***that the members of the authority who have signed it wish to be treated as a political group;***
  - (b) ***the name of the group; and***
  - (c) ***the name of one member of the group who has signed the notice and who is to act as its leader.***
- (4) ***A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader when he is unable to act (“the deputy leader”).***
- (5) ***The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed—***
- (a) ***in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group;***
  - (b) ***in the case of a change of the leader of the group, by a majority of the members of the group’***

3.2 Paragraphs 8(1)(a) and 8(2) indicate that at least two Members are needed to form a political group and the Council has followed this legislation in its political group arrangements.

3.3 Should the legislation at paragraph 3.1 not be followed, the Council could be subject to challenge.

3.4 The Council has always been sympathetic to the individual Member and smaller political groups and there have been other occasions besides the current position, when there has been a group of 2 Members and individual Members to consider.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 There would be a financial saving in the current arrangements if the Council raised the number of Members needed to form a political group. .

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 The subject of the report relates to the legal implications and the requirements are set out in paragraphs 3.1 and 3.2.

#### **7.0 COMMUNITY SAFETY**

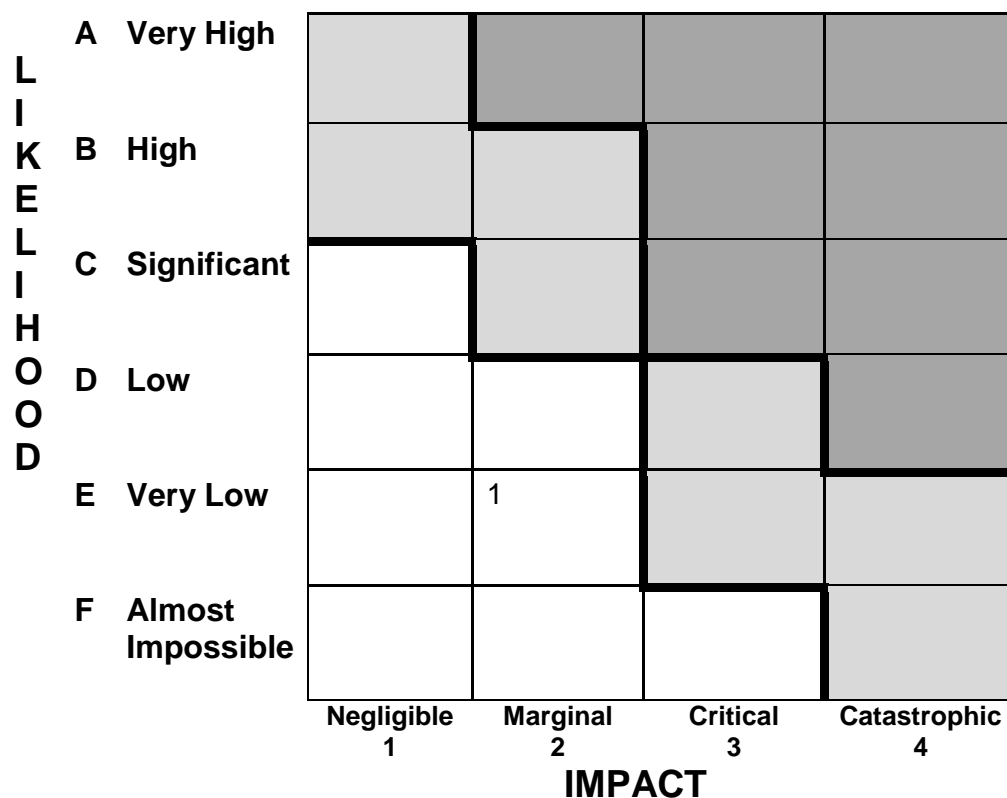
7.1 There are no specific community safety implications in this report.

## 8.0 EQUALITIES

8.1 An Equalities Screening Assessment has been completed and outlines the Council's responsibilities with regard to matters relating to political balance and group membership.

## 9.0 RISKS

9.1 The risks associated with the report are considered to relate to the implications of not following legislation and this impacting on the Council's decision-making process and reputation.



Risk No	Risk Description
1	Challenge due to legislation not followed

## 10.0 CLIMATE CHANGE

10.1 There are no climate change implications in this report.

## 11.0 CONSULTATION

11.1 There was no consultation on this report.

## 12.0 WARDS AFFECTED

12.1 All indirectly.

Contact Officer: Angela Tebbutt, Monitoring Officer

Date: October 2015

Appendices:

Background Papers:

Localism Act 2011  
Minutes of Council Meeting held on 18 July 2012  
Minutes of Council Meeting held on 17 July 2013  
Minutes of Council Meeting held on 11 December 2013  
Previous Minutes of Standards Committee  
Previous Minutes of Governance Committee

Reference:

Cttees, Council & Sub-Cttees/Governance/2015-16/231115/Political Group membership