

# Supplementary Agenda



<b>Meeting name</b>	<b>Meeting of the Council</b>
<b>Date</b>	<b>Thursday, 23 March 2023</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk

<b>No.</b>	<b>Item</b>	<b>Page No.</b>
14.	<p><b>REVIEW OF POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS</b></p> <p>The Monitoring Officer is to present the review of political balance and allocation of seats to political groups.</p> <p><b>Appendix A to follow.</b></p>	177 - 184

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## Review of Political Balance and Allocation of Seats to Political Groups

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 To approve the revised political balance calculations and allocation of seats on committees in accordance with statutory requirements (as set out in the report) following recent changes which alter the political balance between the Groups.

### 2 Recommendations

**That Council:**

- 2.1 **Approve the political balance calculation set out at paragraphs 5.3;**  
 2.2 **Approve the allocation of seats on the Committees as set out in paragraph 5.12;**  
 2.3 **Note the appointments for the Committees and Working Groups put forward by Political Groups as set out in Appendix A; and**  
 2.4 **Appoints non-aligned members to their allocation of seats on Committees and Working Groups as set out in Appendix A;**

### 3 Reason for Recommendations

- 3.1 To ensure that the council complies with its statutory obligations under the Local Government and Housing Act 1989 and associated Regulations.

## 4 Background

- 4.1 On 13 March 2023, the Proper Officer was notified that Councillor Margaret Glancy no longer wished to be treated as a member of the Conservative Group in accordance with the requirements set out in Regulation 10 of the Local Government (Committees and Political Groups) Regulations 1990. Councillor Glancy was therefore deemed a non-aligned independent Councillor from 13 March 2023.
- 4.2 Pursuant to Section 15 of the Local Government and Housing Act 1989 the authority is under a duty to review the allocation of seats to Political Groups as soon as practicable following a change to the membership of those groups.
- 4.3 The Council's duty is to determine the allocation of seats to be filled by appointments by the authority, except the Cabinet and the Statutory Licensing Committee. The purpose is to ensure that there is proportionality across all formal activities of the Council, representing the overall political composition. It affects all formally constituted panels, committees and subcommittees which discharge functions on behalf of the authority.
- 4.4 The political proportionality rules that apply in allocating seats on Committees etc. set out in Section 15 and 16 of the Local Government and Housing Act 1989 apply only to political groups.
- 4.5 Independent (non-aligned) members are to form part of the calculation for political balance purposes.
- 4.6 It is a requirement that, once seats have been allocated to political groups, the remaining seats are to be appointed by Council from the Independent (non-aligned) members.

## 5 Main Considerations

### Political Balance

- 5.1 The following committees are politically balanced:
- Planning (11 seats)
  - Scrutiny (10 seats)
  - Audit & Standards (10 seats)
  - Employment (7 seats)
  - Licensing (Regulatory) Committee (10 seats)
- 5.2 The total number of seats available across all politically balanced committees is 48.

### Revised Composition:

5.3 The revised composition of the Council is shown in the following table.

Members	Number	%	Proportion of seats available	Rounded to
Conservative Group	19	67.86	32.57	33
Opposition Group	4	14.29	6.86	7
Independent (non-aligned)	4	14.29	6.86*	7
Vacancy	1	3.57	1.71*	1*
<b>Total</b>	<b>28</b>	<b>100</b>	<b>48</b>	<b>48</b>

5.4 The political proportionality rules that apply in allocating seats on Committees etc. set out in Section 15 and 16 of the Local Government and Housing Act 1989 apply only to political groups (i.e., 33 to the Conservative Group and 7 to the Opposition Group).

5.5 The authority is then under a duty to secure appointments to those seats from members who are not aligned to a political group. Therefore, in order to achieve overall political balance in line with the rules, whole seats have been allocated first to the independent non-aligned and the vacancy (i.e., 6 to the independent (non-aligned) and 1 to the vacancy). \* With a further seat requiring allocation, having taken account of the fractions, the vacancy will only attract one seat due to having the smallest fraction (.71 vs .86).

### Allocations

5.6 Using 48 as the total number of seats across all committees, the total row shows the total number of places each group is entitled to for each committee, using the calculated proportions above.

Committee	Places	Conservative	Opposition	Independent (non-aligned)	Vacancy	Action Required
Planning	11	7	2	2	0	None
Scrutiny	10	7	1	1	0	+1
Audit & Standards	10	7	1	1	0	+1
Employment	7	5	1	1	0	None
Licensing (Regulatory)	10	7	1	1	0	+1

<b>Committee</b>	<b>Places</b>	<b>Conservative</b>	<b>Opposition</b>	<b>Independent (non-aligned)</b>	<b>Vacancy</b>	<b>Action Required</b>
Total across all C'tees	48	33	6	6	0	+3 seats to be allocated
Allocation	<b>48</b>	<b>33</b>	<b>7</b>	<b>7</b>	<b>1</b>	
No. of places across the Committees requiring variation by agreement of Council		None	1 additional seat	1 additional seat	1 seat	

- 5.7 As can be seen from the table above, the sum of proportional allocations across all committees results in an under representation for the Opposition Group, the non-aligned Independents and the Vacancy. Seats must therefore be allocated to ensure overall political balance across the council is maintained.
- 5.8 Further to consultation between the Conservative Group and Opposition Group Leaders, the Opposition Group have expressed a wish to take an additional seat on Scrutiny Committee to achieve overall political balance.
- 5.9 With each group having been allocated seats in accordance with its total proportional entitlement, Group Leaders have provided notification of allocation of seats to members as detailed in Appendix A.
- 5.10 The non-aligned members have expressed a preference to take an additional seat on Audit & Standards Committee and their preferences for allocation of seats are also detailed in Appendix A.
- 5.11 This would leave a vacant seat on Licensing (Regulatory) Committee.
- 5.12 The table below shows the total number of places on each committee to be allocated to each group. It also includes the non-aligned members preference and the vacant position.

<b>Committee</b>	<b>Places</b>	<b>Conservative</b>	<b>Opposition</b>	<b>Independent (non-aligned)</b>	<b>Vacancy</b>
Planning	11	7	2	2	0
Scrutiny	10	7	2	1	0
Audit & Standards	10	7	1	2	0

Employment	7	5	1	1	0
Licensing (Regulatory)	10	7	1	1	1
Total across all committees	48	33	7	7	1
Allocation	<b>48</b>	<b>33</b>	<b>7</b>	<b>7</b>	<b>1</b>

5.13 The outcome now requires the Council to make the following decisions:

- a) To confirm appointments of the Committees above and to that size of membership
- b) To allocate seats on the Committees as above to the two political groups, including:
  - i) Allocation of one place to the Opposition Group on Scrutiny Committee;
  - ii) Allocation of one place to the non-aligned members on Audit & Standards Committee;
  - iii) To not appoint to one seat on Licensing (Regulatory) Committee but to note as vacant
- c) To appoint named non-aligned members to seats on the Committees

### Working Groups

5.14 Whilst the following are not formal committees, the terms of reference for these meetings do require the allocation of seats to be calculated in accordance with the political balance calculation.

Group Name	Joint Staff Working Group (7 seats)	Local Plans Working Group (5 seats)
Conservative	5	3
Opposition	1	1
Non-aligned	1	1
<b>Totals</b>	<b>7</b>	<b>5</b>

5.15 There are no changes in the calculation for these Working Groups.

## 6 Options Considered

6.1 The Council must review its political balance and allocation of seats as soon as practicable following a change to political groups in accordance with the legislation.

## **7 Consultation**

- 7.1 The Group Leaders have been consulted on the information presented in this report and the appendix will be compiled in consultation with them wherever possible.
- 7.2 Non-aligned members have been provided with the information presented in this report.

## **8 Next Steps – Implementation and Communication**

- 8.1 Any changes to membership of Committees will be reflected on the Council’s website page for each Committee.
- 8.2 Any mandatory training requirements will be considered and arranged as necessary for respective members.

## **9 Financial Implications**

- 9.1 There are no financial implications arising from this report.

**Financial Implications reviewed by: Deputy s.151 Officer**

## **10 Legal and Governance Implications**

- 10.1 The Council must allocate seats on committees so as to give effect to the political balance rules unless there is a decision to the contrary with no member voting against.
- 10.2 The allocation of seats shall conform to the principles of proportionality contained in sections 15 and 16 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the order shown:
  - a) Not all the seats on the body are allocated to the same political group
  - b) A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority;
  - c) Subject to (a) and (b) above, that the number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority; and
  - d) Subject to (a) to (c) above, that the number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority.
- 10.3 For political balance, a group is required to have at least two members in order to be formally constituted as a political group.
- 10.4 The political proportionality rules that apply in allocating seats on Committees etc. set out in Section 15 and 16 of the Local Government and Housing Act 1989 apply only to political groups.



10.5 Section 15(3) of the Act states as follows:

*“15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be the duty of that authority or committee, as soon as practicable after the review, to determine the allocation to the different political groups into which the members of the authority are divided of all the seats which fall to be filled by appointments made from time to time by that authority or committee.”*

10.6 However, where the Council has members who are non-aligned, this section has words inserted/modified by regulation 16 of the Local Government (Committee and Political Groups) Regulations 1990 to read as follows:

*“15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, **it shall be the duty of that authority or committee, as soon as practicable after the review to determine the allocation to each of those groups of such of the seats which fall to be filled by appointments made from time to time by that authority or committee as bear to the total of all of those seats the same proportion as is borne by the number of members of that group to the membership of the authority.**”*

10.7 Additionally, where there are non-aligned members, section 16(2A) of the Local Government and Housing Act 1989 has effect. The Regulations also insert the following:

*“Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group”*

10.8 The implications of these changes to paragraph 15(3) taken with section 16(2A) is to require that the Council must allocate seats to the political parties in accordance with the four principles set out above (10.2 a-d). If there are any seats left over, they must then make appointments to the non-aligned groups.

10.9 Alternative arrangements for not complying with section 15 and 16 of the 1989 Act may be made by virtue of Section 17 of the 1989 Act by passing a resolution with no member voting against the resolution.

10.10 Once the allocations have been agreed, the appointment of individual members must be given effect in accordance with the wishes of the relevant Group as expressed through the Group’s Leader / Deputy Leader.

**Legal Implications reviewed by: Monitoring Officer**

## **11 Equality and Safeguarding Implications**

11.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## **12 Community Safety Implications**

12.1 There are no community implications arising from this report.

### **13 Environmental and Climate Change Implications**

13.1 There are no environmental or climate change implications arising from this report.

### **14 Risk & Mitigation**

14.1 The Council would be in breach of its statutory and constitutional obligations if it fails to consider the business contained within this report.

### **15 Background Papers**

15.1 There are no background papers.

### **16 Appendices**

16.1 Appendix A – Committees Memberships 2022/23 (March 2023) – to follow

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