



Political Balance, Allocation of Seats on Committees/Working Groups and Appointment of Chairs & Vice Chairs

Corporate Priority:	Ensuring the right conditions to support delivery (inward)
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To approve the political balance calculations, number of seats and allocation of seats in accordance with statutory requirements.
- 1.2 To receive nominations of Councillors to serve on each Committee and Working Groups and appoint to those Committees and Working Groups.
- 1.3 To receive nominations for Chairs and Vice Chairs of Committees and elect accordingly.

2 Recommendations

That Council:

- 2.1 **Appoints the Scrutiny Committee and Standing Committees as set out in paragraph 5.3 for the municipal year 2023/2024;**
- 2.2 **Agrees the terms of reference and number of voting places on the Scrutiny Committee and Standing Committees as detailed at paragraphs 5.2 – 5.5 for the municipal year 2023/2024;**
- 2.3 **Approve the political balance calculation at paragraphs 5.6 - 5.9;**
- 2.4 **Approve the allocation of seats on the Committees as set out in paragraph 5.10 and Working Groups as set out in paragraph 5.16.**

- 2.5 **Receive nominations and make appointments to Committees and Working Groups as notified by the Group Leaders and set out in Appendix A;**
- 2.6 **Authorise the Monitoring Officer to give effect to the wishes of the group in relation to adjustments to committee appointments where properly notified in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990;**
- 2.7 **Appoints non-aligned members to their allocation of seats on Committees and Working Groups as set out in Appendix A;**
- 2.8 **Elects the Chairman and Vice Chairman for each of the Committees below:**
 - 2.8.1 **Audit & Standards Committee;**
 - 2.8.2 **Employment Committee;**
 - 2.8.3 **Licensing (Regulatory) Committee**
 - 2.8.4 **Planning Committee; and**
 - 2.8.5 **Scrutiny Committee.**

3 Reason for Recommendations

- 3.1 In order to comply with legislative and constitutional requirements the Council must appoint its committees, review the allocation of seats in accordance with political balance rules and elect Chairmen and Vice-Chairmen of Committees at its annual meeting.
- 3.2 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 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.
- 4.2 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.
- 4.3 Council previously agreed that the statutory committee for Licensing Act matters should consist of the same members as are appointed to the Licensing (regulatory) Committee and approved a delegation to the Monitoring Officer to include a provision in the constitution to reflect this. This revision will be included in the next review of the Constitution.
- 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 non-aligned members.

5 Main Considerations

- 5.1 Following the Borough and Parish elections on 4 May 2023 the following groups have been confirmed to the Proper Officer in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990:

Group	Total seats held
Conservative	11
Independent	9
Labour	5

There are also 3 non-aligned members who are not part of a group.

Establishment of Scrutiny Committee and Standing Committees

- 5.2 The Council's Constitution (Chapter 2, Part 1, Section 4) provides that the Council at its Annual Meeting must appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting and which are not Cabinet functions. The Council must also confirm the terms of reference and size of those Committees.
- 5.3 The Council's Scrutiny Committee and other Standing Committees and corresponding seats/voting places are confirmed below:
 - 5.3.1 Planning Committee (11 seats)
 - 5.3.2 Scrutiny Committee (10 seats)
 - 5.3.3 Audit & Standards Committee (10 seats)
 - 5.3.4 Employment Committee (7 seats)
 - 5.3.5 Licensing (Regulatory) Committee (10 seats)
- 5.4 The total number of seats available across all politically balanced committees is 48.
- 5.5 The Terms of Reference for the Scrutiny Committee and Standing Committees can be found at [Chapter 2, Parts 6 – 11 of the Council's Constitution](#).

Political Balance

- 5.6 In order to calculate the number of seats each group is entitled to there is a calculation:
- 5.6.1 The number of members in each group is divided by the total number of Councillors
- 5.6.2 This number is then multiplied by 100 to give the membership of each group as a percentage (%)
- 5.6.3 The total number of seats available on committees is then multiplied by this %
- 5.6.4 The number is then rounded to the nearest whole number to give the number of seats
- 5.7 The proportion of seats allocated is as follows:

Members	Number	%	Proportion of seats available	Rounded to
Conservative Group	11	39.29	18.85714286	19
Labour Group	5	17.86	8.571428571	9
Independent Group	9	32.14	15.42857143	15
Non-aligned	3	10.71	5.142857143	5

- 5.8 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., 19 to the Conservative Group, 9 to the Labour Group and 15 to the Independent Group).
- 5.9 Once seats have been allocated to the political groups, the authority is then under a duty to secure appointments to those seats from members who are not aligned to a political group.

Allocation of Seats

- 5.10 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	Labour	Independent	Non-aligned
Planning	11	4	2	4	1
Scrutiny	10	4	2	3	1
Audit & Standards	10	4	2	3	1
Employment	7	3	1	2	1
Licensing (Regulatory)	10	4	2	3	1
Total across all C'tees	48	19	9	15	5
Allocation	48	19	9	15	5

- 5.11 With each group having been allocated seats in accordance with its total proportional entitlement, Group Leaders will provide notification of appointment of members as detailed in Appendix A, before or at the meeting. Should any further changes be required following the meeting, the wishes of the Group will be notified in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 and the express delegation at recommendation 2.6.
- 5.12 The remaining seats are then allocated to the non-aligned members. The non-aligned members have expressed their preferences for allocation of seats and these are detailed in Appendix A.
- 5.13 The outcome now requires the Council to make the following decisions:
- To confirm appointments of the Committees above and to that size of membership
 - To allocate seats on the Committees as above to the three political groups
 - To appoint named non-aligned members to seats on the Committees

Appointment of Chairs/Vice Chairs

- 5.14 Nominations for Chair and Vice Chair are required in relation to the following committees:
- Audit and Standards Committee
 - Employment Committee
 - Licensing Committee
 - Planning Committee
 - Scrutiny Committee
- 5.15 Members are asked to elect Chairs and Vice Chairs for each Committee.

Working Groups

- 5.16 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	3	2
Labour	1	1
Independent	2	2
Non-aligned	1	0
Totals	7	5

The allocation of seats are detailed in Appendix A.

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 appendices were compiled in consultation with them wherever possible.
- 7.2 Non-aligned members have also 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: Director for Corporate Services 23.05.23

10 Legal and Governance Implications

- 10.1 The Council's Constitution (Chapter 2, Part 1 - Section 4) provides the business that must be included in the agenda for the Annual Council Meeting.
- 10.2 The Council is required to review the representation of Groups at its Annual Meeting each year and as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council/Group Leaders.
- 10.3 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.
- 10.4 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.

- 10.5 For political balance, a group is required to have at least two members in order to be formally constituted as a political group.
- 10.6 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.
- 10.7 Where the Council has members who are non-aligned, section 15(3) of the Act 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.”*
- 10.8 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”.*
- 10.9 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 members.
- 10.10 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.
- 10.11 Once the allocation of seats have been agreed, the appointment of individual members will be given effect in accordance with the wishes of the relevant Group as expressed through the Group’s Leader / Deputy Leader in accordance with section 16 of the 1989 Act and Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990.

Legal Implications reviewed by: Deputy Monitoring Officer 23.05.23

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 Other Implications (where significant)

14.1 There are no other implications arising from this report.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to meet statutory and constitutional obligations	Low	Critical	9

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	To consider the business presented in this report

16 Background Papers.

16.1 There are no background papers

17 Appendices

17.1 Appendix A – Committee Memberships 2023/2024

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