



Political Balance and Allocation of Seats to Political Groups

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Lead Member/Relevant Portfolio Holder	N/A

Corporate Priority:	All
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	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 Approves the political balance calculation at paragraphs 5.1 – 5.2;
- 2.2 Approves the allocation of seats on Committees as set out in paragraph 5.3 and Working Groups as set out in paragraph 5.4.1;
- 2.3 Notes that the composition of the Constitution Review Working Group and the Climate Change Emergency Working Group remain unaltered;
- 2.4 Receives nominations and make appointments to Committees and Working Groups as notified by Group Leaders and set out in Appendix A;
- 2.5 Authorises 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;

- 2.6 **Appoints non-aligned Members to their allocation of seats on Committees and Working Groups as set out in Appendix A;**
- 2.7 **Appoints Councillor Marilyn Gordon to fill the vacancy on the Climate Change Emergency Working Group, and**
- 2.8 **Appoints Councillor Butcher as the Council's second representative on the Melton Business Improvement District Board.**

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 Councillor Charlie Pitt Miller resigned as a Member of the Council on 9 September 2023. The by-election on 2 November 2023 resulted in the election of Margaret Clay.
- 4.2 On 30 November 2023, the Monitoring Officer was notified that Councillor Margaret Clay wished to be treated as a Member of the Labour Group in accordance with the requirements set out in Regulation 10 of the Local Government (Committees and Political Groups) Regulations 1990.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 Independent (non-aligned) members are to form part of the calculation for political balance purposes.
- 4.7 It is a requirement that, once seats have been allocated to political groups, the remaining seats offered by Council to the Independent (non-aligned) members.

5 Main Considerations

- 5.1 Political Balance
 - 5.1.1 The follow Committees are political balanced:
 - Planning (11 seats)
 - Scrutiny (10 seats)
 - Audit & Standards (10 seats)
 - Employment (7 seats)
 - Licensing (Regulatory) Committee (10 seats)

5.1.2 The total number of seats available across all politically balanced committees is 48.

5.2 Revised Composition

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

Members	Number	%	Proportion of seats available	Rounded to
Conservative Group	11	39.29	18.85714286	19
Labour Group	6	21.43	10.28571429	10
Independent Group	9	32.14	15.42857143	15
Non-aligned	2			4

5.2.2 The political proportionality rules that apply in allocating seats on Committees, 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, 10 to the Labour Group and 15 to the Independent Group).

5.2.3 Once seats have been allocated to the political groups, the authority is then under a duty to allocate the remaining seats to Members who are not aligned to a political group.

5.3 Allocation of Seats

5.3.1 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	2	2	0
Licensing (Regulatory)	10	4	2	3	1
Total across all C'tees	48	19	10	15	4
Allocation	48	19	10	15	4

5.3.2 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 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.

5.3.3 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.

- 5.3.4 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

5.4 Outside Bodies and Working Groups

5.4.1 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. The allocation of seats are detailed in Appendix A.

Group Name	Joint Staff Working Group (7 seats)	Local Plans Working Group (9 seats)
Conservative	3	4
Labour	2	2
Independent	2	3
Non-aligned	0	0
Totals	7	9

5.4.2 The terms of reference for the Constitution Review Working Group and the Climate Change Emergency Working Group do not require them to be politically balanced, so therefore no changes to the composition of those working groups have been proposed.

5.4.3 As Councillor Pitt Miller was a member of the Climate Change Emergency Working Group, her resignation on 12 September 2023 created a vacancy on the group. It is recommended that Council appoints Councillor Marilyn Gordon to fill the vacancy.

5.4.4 The Melton Business Improvement District (BID) informed the Council that it is entitled to appoint two representatives to their Board. The first appointment made on 24 May 2023 was the relevant Portfolio Holder, Councillor Glancy. It is recommended that Council appoints a second representative.

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: Assistant Director for Resources

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 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.”*
- 10.6 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”.*
- 10.7 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 allocate seats to the non-aligned members.

10.8 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.

10.9 Once the allocation of seats has 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: Interim Monitoring Officer, 27 November 2023

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 Data Protection Implications

12.1 A Data Protection Impact Assessments (DPIA) has not been completed for the following reasons because there are no risks or issues to the rights and freedoms of natural persons.

13 Community Safety Implications

13.1 There are no community implications arising from this report.

14 Environmental and Climate Change Implications

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

15 Other Implications (where significant)

15.1 There are no other implications arising from this report.

16 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.

17 Background Papers.

17.1 There are no background papers.

18 Appendices

18.1 Appendix A – Committee Membership 2023/24

18.2 Appendix B – Working Group Membership 2023/24