

Annual Council

14 May 2020

Report of: Monitoring Officer

Political Balance and Allocation of Seats to Political Groups

Corporate Priority:	All
Relevant Ward Member(s):	Not applicable
Date of consultation with Ward Member(s):	Not applicable
Exempt Information:	None

1 Summary

- 1.1 To approve the political balance calculation for the council, agree the number of voting places and approve and allocate seats on relevant committees (as appointed by Council) in accordance with statutory requirements concerning political balance.
- 1.2 To elect Chairmen and Vice Chairmen of Committees.

2 RECOMMENDATIONS

That Council:

- 2.1 **Appoints the Scrutiny Committee and Standing Committees as set out in paragraph 5 for the Municipal Year 2020/21.**
- 2.2 **Agrees the terms of reference and number of voting places on the Scrutiny Committee and Standing Committees as detailed at paragraph 5.1 for the Municipal Year 2020/21.**
- 2.3 **Approves the political balance calculation set out at paragraph 5.2;**
- 2.4 **Approves the allocation of committee seats to political groups as set out in paragraph 5.2 and notes the membership of each committee as set out in Appendix A;**
- 2.5 **Approves election of Chairs and Vice Chairs of Committees as set out at Appendix B.**

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.

4 Background

- 4.1 The Council has recently reviewed its political balance and allocation of seats in a decision made by the Chief Executive in consultation with Members on [6 April 2020](#). This decision confirmed that Members supported the inclusion of the non-aligned member in the political balance calculations.
- 4.2 It is proposed that the arrangements for departing from the statutory rule (which provides that only members who are part of a formally constituted group can be included in the calculations for the purposes of political balance) be maintained. This will allow the current arrangement, which allows a non-aligned member to be included on the political balance calculations, to be maintained, subject to the requirement that no member present and voting, votes against this proposal.
- 4.3 The political balance calculations below are based on the assumption that the Council wishes for the non-aligned member to be included in the political balance calculation.

5 Main Considerations

5.1 Establishment of Scrutiny Committee and Standing Committees

- 5.1.1 The MBC Constitution (Chapter 2, Part1, 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.
- 5.1.2 The Council's Scrutiny Committee and other Standing Committees and corresponding seats/voting places are confirmed below:

Audit & Standards	Planning	Scrutiny	Employment	TOTAL SEATS/VOTING PLACES
10	11	10	7	38

- 5.1.3 The Council also has a Licensing Committee with 10 seats/voting places (This committee is not subject to political balance calculations).
- 5.1.4 The Terms of Reference for the Scrutiny Committee and Standing Committees can be found in Chapter 2, Parts 6 – 11 of the Council's [Constitution](#).

5.2 Political Balance and Allocation of Seats

- 5.2.1 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations, imposes a duty on the Council to review the representation of different political groups and allocation of seats at its annual meeting in respect of its ordinary committees.

- 5.2.2 The Section does not apply to the Council's Cabinet, Licensing Committee or to other working groups (apart from the Joint Staff Working Group) all of which are exempt from political balance.
- 5.2.3 The current composition of the Council (including the non aligned member) is shown in the following table. Using 38 as the total number of voting places across all committees, the final column shows the total number of places each group is entitled to, using the calculated proportions.

Group Name or Non-aligned	No of Cllrs	Percentage across the Council	Allocation of Seats over 4 Committees 38 seats	
			Decimal	Rounded no
Conservative	21	75%	28.5	29
Opposition	6	21.43%	8.14	8
Non-aligned	1	3.57%	1.36	1
Totals	28	100%	38 seats	38 seats

- 5.2.4 The allocations set out in the table below show the allocation of seats to political groups (and the non-aligned councillor) as agreed between the political groups:

Group Name or Non-aligned	Audit & Standards	Planning	Scrutiny	Employment	TOTAL
Conservative	8 (7.5)	8 (8.25)	8 (7.5)	5 (5.25)	29
Opposition	2 (2.14)	2 (2.36)	2 (2.14)	2 (1.50)	8
Non-aligned	0 (0.36)	1 (0.39)	0 (0.36)	0 (0.25)	1
Totals	10	11	10	7	38

- 5.2.5 Appendix A shows the membership of each committee, as informed by Group Leaders where known at the time of publication.

5.3 Appointment of Chairmen and Vice Chairmen

- 5.4 Nominations for Chair and Vice Chair from each Group Leader shall be circulated before the meeting for determination by members for the following committees :

- Audit and Standards Committee
- Employment Committee
- Licensing Committee
- Planning Committee
- Scrutiny Committee

6 Options Considered

- 6.1 In line with relevant legislation the Council must review the Political Balance and allocation of seats at its Annual Council Meeting. There are no alternative options.

7 Consultation

- 7.1 The information presented in this report has been compiled in consultation with Group Leaders.

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.

9 Financial Implications

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

Financial Implications reviewed by: Director for Corporate Services 30.04.20

10 Legal and Governance Implications

- 10.1 The Council's Constitution (Chapter 2, Part1-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. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990 (Requirement to Constitute Political Groups).
- 10.3 The Council must allocate seats on committees so as to give effect to the political balance rules:
- 10.3.1 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.

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 and **not non-aligned (un-grouped) Members**. Alternative arrangements 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.**

Legal Implications reviewed by: Monitoring Officer 30.4.20

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 – Membership of Committees
16.2 Appendix B – Nominations for Committee Chairmen and Vice Chairmen (**To follow**)

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