

Committee: Annual Council

Agenda Item

Date: 13 May 2008

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Title: Political Balance on the Council

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Item for decision

Summary

This report considers the political composition of the Council and recommends that seats on the main committees be allocated to the three political groups as detailed in the report.

Recommendations

That the Council reviews its political composition and achieves political balance by allocating seats on its ordinary and other committees as detailed in the report.

Background Papers

None

Impact

Communication/Consultation	Political parties to consult within their groups to determine their views on the recommendation
Community Safety	N/A
Equalities	N/A
Finance	N/A
Human Rights	N/A
Legal Implications	To comply with the Local Government and Housing Act 1989
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

- 1 The Local Government and Housing Act 1989 requires local authorities to review the representation on them of different political groups at the Annual Meeting or as soon as practicable thereafter. It further requires them to allocate the seats on their committees to political groups represented in accordance, so far as reasonably practicable, with the following four principles of proportionality:-

- (a) that not all seats on the body concerned are allocated to the same political group;
- (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of an authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority;
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all seats on that body as is borne by the number of members of that group to the membership of the authority.

The Council

- 2** Prior to May 2007 the Council had 77 seats on ordinary committees made up as follows:-

Committee	Members
Operations	14
Community	15
Environment	15
Development Control	14
Performance Select	8
Scrutiny	11
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The political balance of committees would have required total seat allocations to have been:-

Group	Members	Percentage	Total Seats
Conservative	26	59.09%	46
Liberal Democrat	14	34.09%	26
Independent	3	6.82%	5

However at the Annual Meeting in May 2007 Members determined that they wished to have two Members of the Independent Group on the Development Control Committee. To achieve this the size of that Committee was increased from 14 to 15 Members and the total number of seats on ordinary committees was allocated as follows:-

Group	Members	Percentage	Total Seats
Conservative	26	58.97%	46
Liberal Democrat	14	33.33%	26
Independent	3	7.69%	6

Had 78 seats been divided on the basis of political balance the total number of seats would have been Conservatives 46, Liberal Democrats 27 and Independents 5. The fact that the allocation infringed the rules on political balance was permissible as no Member present at the meeting voted against the proposal.

- 3 The current political composition of the Council, taking account of the present vacancy and assuming the Council retains 78 seats on ordinary committees, is as follows: -

Group	Members	Percentage	Total Seats
Conservative	26	60.47%	47
Liberal Democrat	14	32.56%	25
Independent	3	6.82%	5

The Independent total is nearest to the next whole number so would be rounded up to six.

- 3 For the purposes of allocating seats under the Act an individual councillor not within a recognised group of at least two members would not have automatic rights to be allocated seats on committees. However currently there are no Members to which this provision applies

4 Allocation of Seats – Committees

Since the present constitution was adopted, it has been the convention for all Members to serve on at least one policy committee and one scrutiny or regulatory committee.

- 5 The current seats available on the Council's main committees are as follows:

Committee	Members
Finance and Administration	14
Community	15
Environment	15
Development Control	15
Performance Select	8
Scrutiny	11
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	78
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- 6 Accordingly the Conservative Group is entitled to 47 of the 78 main committee seats available, the Liberal Democrats to 25, and the Independents to 6. The Licensing Committee cannot be taken into account for the purposes of this calculation because it was not established under the Local Government Act 1972. However, the eleven places on offer can be allocated on the same basis of proportionality, that is, 7/3/1. The Standards Committee is also not taken into account as the rules of political balance do not apply to Standards Committees. The composition of the Council's Standards Committee is governed by the Council's constitution and comprises 4

elected members (one nominated by each group plus one appointed by Full Council), 3 independent persons (one of whom is chairman) and 3 representatives of Town and Parish Councils (currently there is one vacancy).

7 The allocation of the 78 seats could be as follows:

Policy Committees	Con	LD	Ind
Finance & Administration [14]	8	5	1
Environment [15]	9	5	1
Community [15]	9	5	1
Regulatory/Scrutiny and Overview			
Development Control [15]	9	5	1
Scrutiny [11]	7	3	1
Performance Select [8]	5	2	1

Alternatively, the Independent Group could retain two members on Development Control and sacrifice a place elsewhere. There is presently no Independent member of the Performance Select Committee.

- 8 There will be a by-election on 5 June in Great Dunmow. The successful candidate can request a review of the political balance provided he or she is a member of a political group within one month of being elected. Whatever the outcome of the election the political balance, and therefore entitlement to seats, will change from the current figure based on 43 Members.
- 9 It appears that Members have the option of making all allocations on the present basis, with the probability they would have to change again after 5 June, or leave some vacancies to be filled by whichever group is successful at the by-election. Members can only adopt this course if none of the Members attending the Annual Meeting vote against the proposal as such an allocation would infringe the rules on political balance.

Risk Analysis

Risk	Likelihood	Impact	Mitigating Actions
N/A	N/A	N/A	N/A