

**Committee:** Annual Council

**Agenda Item**

**Date:** 15 May 2012

**10**

**Title:** Political Balance on the Council

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### Summary

- 1 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 committees as detailed in the report.

### Financial Implications

None

### 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
Health and Safety	n/a
Human Rights/Legal Implications	To comply with the Local Government and Housing Act 1989. In the event that members decide an allocation of seats which does not accord with the principles of political balance set out above this can only be achieved if no members attending the meeting dissent.
Sustainability	n/a
Ward-specific impacts	All
Workforce/Workplace	None

## Situation

- 2 The Local Government and Housing Act 1989 requires local authorities to review the representation of the 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.

## Current Situation

- 3 The Council currently has 53 seats on ordinary committees made up as follows:-

<b>Committee</b>	<b>Members</b>
Planning	14
Licensing and Environmental	
Health	11
Scrutiny	10
Performance and Audit	10
Staff Appeals	8
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	<b>53</b>

- 4 The current political composition of the council is as follows

<b>Group</b>	<b>Members</b>	<b>Percentage</b>
Conservative	34	77.27%
Liberal Democrat	8	18.18%
Independent	2	4.55%

- 5 Based on the 53 seats, the number of seats available to each group is as follows

<b>Group</b>	<b>Percentage</b>	<b>Total Seats</b>
Conservative	77.27%	(40.95) <b>41</b>
Liberal Democrat	8.18%	(9.64) <b>10</b>
Independent	4.55%	(2.41) <b>2</b>

### **Allocation of Seats – Committees**

#### **(i) Licensing Committee**

- 6 The Licensing Committee cannot be taken into account for the purposes of the 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, and the Licensing Committee has been included in the calculation of the number of seats.

#### **(ii) Standards Committee**

- 7 The Localism Act 2011 has set out changes to the Standards regime. There is now no statutory power to appoint a Standards Committee, the Standards functions are to be performed by the Full Council. However it has been agreed that the Council would not be an appropriate forum for dealing with individual allegations of breaches of the Code of Conduct and it has been recommended that a Standards Committee should be appointed.
- 8 In the absence of a statutory power, a Standards Committee is required to be appointed under the provisions of the Local Government Act 1972 and will be subject to the rules of political balance. If this committee was included within the calculations the result would be as follows:-

59 seats (6 for Standards Committee) - the number of seats available to each group would be:-

<b>Group</b>	<b>Percentage</b>	<b>Total Seats</b>
Conservative	77.27%	(45.58) <b>45</b>
Liberal Democrat	18.18%	(10.72) <b>11</b>
Independent	4.55%	(2.68) <b>3</b>

This could translate into the allocation of committee seats as follows

<b>Committees</b>		<b>Con</b>	<b>LD</b>	<b>Ind</b>
Planning	14	11	2	1
Licensing and EH	11	8	2	1
Scrutiny	10	8	2	0
Performance and Audit	10	8	2	0
Staff Appeals	8	6	2	0
Standards	6	4	1	1
<b>Total</b>	<b>59</b>	<b>45</b>	<b>11</b>	<b>3</b>

- 9 The Full Council meeting on 17 April 2012 acknowledged that the rules of political balance contained in the Local Government and Housing Act 1989 applied but agreed that a politically balanced Standards Committee would be undesirable. It was proposed that each political group on the council would have at least 1 member on the Standards Committee and each political group could nominate up to 3 members. The aim was to achieve an even balance on the Committee and ideally there would be 2 members appointed from each group. This would be permissible provided that no one member present at the meeting of the Full Council appointing the Standards Committee voted against the proposal.
- 10 The new Standards regime was expected to come into force on 1 July 2012 or at a further date to be determined by the Secretary of State. It is proposed that the new Standards Committee be appointed at the Annual Council meeting to commence from that date or such other date as may be specified by statutory instrument for ss. 27 – 28 Localism Act 2011 to come into effect.
- 11 For the interim period it is suggested that the members of the existing Standards Committee are reappointed.

### **Proposal for allocation of seats**

- 12 The allocation of the 59 seats (including Standards and Licensing Committee) could be as follows:-

		<b>Con</b>	<b>LD</b>	<b>Ind</b>	
	Planning	14	11	2	1
	Licensing and EH	11	8	2	1
<i>Note:1</i>	Scrutiny	10	<b>8(7)</b>	2	<b>0(1)</b>
	Performance and Audit	10	8	2	0
	Staff Appeals	8	6	2	0
<i>Note :2</i>	Standards	6	<b>4(2)</b>	<b>1(2)</b>	<b>1(2)</b>
	<b>Total</b>	59	<b>45(42)</b>	<b>11(12)</b>	<b>3(5)</b>

*Note 1:* The Conservative Group has agreed to allocate one of its seats on the Scrutiny Committee to the Independent Group. The effect of this is shown in bold above.

*Note 2:* This reflects the intention set out in paragraph 9 above, that political balance should not apply to the Standards Committee. The effect of this is set out on bold.

For both *notes 1 and 2* the fact that this allocation infringes the rules on political balance is permissible as long no Member present at the meeting votes against the proposal.

### **Risk Analysis**

There are no risks associated with this report.