

Committee: Full Council

Agenda Item

Date: 16 May 2017

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Title: Political Balance on the Council

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Item for decision

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.

Recommendation

That the Council reviews its political composition to achieve political balance and approves the allocation 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 Following changes in Council membership at the Elsenham and Henham ward election on 16 February 2017, a review of political balance has been formally requested by the Residents for Uttlesford group. Since then the previously independent Councillor Lemon has joined the Conservative group and Councillor Parry's resignation as one of the Newport ward councillors has created a further vacancy. This will now be filled at a by-election to be held on 4 May 2017.
- 3 There are outstanding vacancies on the Licensing and Environmental Health and Performance and Audit committees and the balance of committee allocations to groups will alter as a result of the changes mentioned in the above paragraph. This will require a further change in the composition of the Scrutiny Committee.
- 4 A full review of political balance and committee places will take place again at the Annual Council Meeting on 16 May (for details see paragraph 5 below and the tables in the report). By then the Newport vacancy will have been filled and allocations can be made at the meeting based on the revised council membership. In the meantime, the Council is required to review its political balance as it now stands and make appointments to any vacancies needing to be filled.
- 5 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 (and in response to a valid request by a member wishing to join a group and the leader of that group). 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

- 6 The number of seats on ordinary committees of the Council (excluding Standards) are as follows:-

Committee	No of seats
Planning	10
Licensing and Environmental Health	10
Scrutiny	10
Performance and Audit	10
Total	40

- 7 The current political composition of the Council is as set out below:

Group	Members	Percentage
Conservative	24	63.16%
Residents for Uttlesford	10	26.32%
Liberal Democrats	4	10.53%
	38 (of 39 members as one vacancy)	100%

- 8 Based on the 40 seats, the number of seats available to each group is as follows

Group	Percentage	Calculated seats	No. of seats
Conservative	63.16%	25.26	25
Residents for Uttlesford	26.32%	10.53	11
Liberal Democrats	10.53%	4.21	4
	100%	40	40

Allocation of Seats – Committees

(i) Licensing Committee

- 9 The Council is not obliged to take the Licensing Committee into account for the purposes of the calculation because it was not established under the Local Government Act 1972. However, it is usual to offer the ten places to be allocated on the same basis of proportionality, and the Licensing Committee has therefore been included in the calculation of the number of seats.

(ii) Standards Committee

- 10 The Localism Act 2011 set out changes to the standards regime. There is no longer a statutory obligation to appoint a Standards Committee. However it was agreed in 2012 that the Council would not be an appropriate forum for dealing with individual allegations of breaches of the Code of Conduct and a Standards Committee was appointed to undertake this function.

- 11 In the absence of a separate statutory power, a Standards Committee is required to be appointed under the provisions of the Local Government Act 1972 and is subject to the rules of political balance.
- 12 Since the Localism Act changes, the Standards Committee has had an equality of representation between all political groups. The Council's Constitution recognises that the rules of political balance contained in the Local Government and Housing Act 1989 apply but acknowledges that a politically balanced Standards Committee would be undesirable. It provides that, subject to no member present voting against the proposal, each political group on the Council would have at least one member on the Standards Committee. Article 9 of the Constitution provides for each political group to have at least one member on the committee and for up to three nominations from each political group. The Council appointed a Standards Committee of 9 members at the last annual meeting and it is suggested that this should continue, unless fewer than three members are nominated by any one group.
- 13 If this committee was included within the calculations the result would be as set out on the next page:-

A total of 49 seats would be available and the number of seats allocated to each group would be:-

Group	Percentage	Total Seats
Conservative	63.16%	(30.95) 31
Residents for Uttlesford	26.32%	(12.90) 13
Liberal Democrats	10.53%	(5.16) 5

Proposal for allocation of seats

- 14 Based on the principles outlined in paragraph 12, and the entitlement of each of the political groups to the committee places set out in paragraph 6, the allocation of the 49 seats (including the Standards and Licensing Committees) would be as follows:-

Committees	Seats available	Conservative	Residents for Uttlesford	Liberal Democrats
Planning	10	6/7*	2/3*	1
Licensing and Environmental Health	10	6/7*	2/3*	1
Scrutiny	10	6/7*	2/3*	1
Performance	10	6/7*	2/3*	1

and Audit				
Standards	9	3	3	3
Total allocation of seats	49	28	14	7

* The precise allocation of seats is to be determined by Council. Each group has been invited to nominate members to fill the outstanding vacancies to achieve the overall number of seats shown in the above table.

- 15 Please refer to the following item on the agenda dealing with the appointment of councillors to committee places. In effect, to accommodate the overall entitlement of each group to committee places, three of the four standing committees (excluding Standards) will have an allocation of 6/3/1 and one committee will have an allocation of 7/2/1.

- 16 It is suggested that the 7/2/1 allocation of places should apply to the Licensing and Environmental Health Committee for the interim period between now and the annual meeting on 16 May. The three remaining committees will be allocated on the basis of a 6/3/1 split between the three party groups. Political balance and committee representation can then be reviewed again at the Annual Council Meeting in the light of the outcome of the Newport ward election.

Risk Analysis

There are no risks associated with this report.