

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

25 July 2013

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Manager

REVIEW OF POLITICAL BALANCE AND THE ALLOCATION OF SEATS TO COMMITTEES

Purpose

1. To review the Council's political balance and reconsider the allocation of seats to committees following the election of a Conservative Councillor to a seat previously held by an Independent Councillor at the Sawston by-election held on 18 July 2013. This election result has increased the number of Conservatives on the Council to 34, meaning that the Council's political balance and allocation of seats on committees must therefore be reviewed.
2. This is not a key decision but only the Council may make this decision.

Recommendations

3. That Council approves: -
 - (a) The allocation of seats, as set out in **Appendix A**.
 - (b) The nominations of the political groups to seats on committees, as set out in **Appendix B**.

Reasons for Recommendations

4. To ensure that the Council complies with the Local Government and Housing Act 1989 by reviewing its political balance and the allocation of seats on committees to political groups.

Background

5. Political groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a political group.
6. Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority at its annual meeting, or as soon as possible after it, to review the allocation of seats on the committees of the Council between the political groups. The Council may carry out such a review at any other time and may do so if requested by a political group.
7. The following principles laid down in the Act apply to the allocation of seats:
 - (a) that not all the seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body are 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 a relevant 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 seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

8. These principles must be applied as far as is practicable. Where adjustments are required to reflect rounding up and down of fractions, officers will make recommendations as to which figures best meet the principles, but the final decision rests with Council on the recommendation of the political group leaders.

9. There is provision for non-group members to be offered seats on certain Council bodies, but this has no basis in legislation. It is a matter for the political groups to determine if they wish to offer seats from their allocation to non-group members.

10. Although the appointment of non-group members to any bodies technically upsets the political balance calculations, these appointments may be made by the Council so long as there is no dissent expressed by any councillor (a "no dissent" alternative). The Council is therefore not obliged to follow the proportionality rules and may make different arrangements, provided the following procedures set out in Section 17 of the Local Government and Housing Act 1989 are followed: -

- (i) due notice is given in the agenda for the meeting;
- (ii) no Member of the Council votes against the proposal, although there may be abstentions.

11. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

Considerations

Political Proportionality and Nominations

12. A by-election for the Sawston electoral ward was held on 18 July 2013. Political group leaders will meet before the meeting of Council on 25 July 2013 to consider the allocation of seats and political group nominations to seats on committees.

13. The current political makeup of the Council's 57 seats is as follows: -

Conservative – 34	
Liberal Democrat – 14	
Independent Group – 6	
No political affiliation – 2	}
Labour – 1	} Non-group

14. This equates to 54 Councillors in political groups who are entitled to committee seats.

15. The political balance of the Council can be calculated by using the formula below (to two decimal places): -

$$\frac{\text{Number of political group Councillors} \times 100}{57 \text{ Councillors}}$$

$$\frac{54 \times 100}{57} = 94.74\% \text{ of Councillors in political groups}$$

16. The breakdown of that 94.74% for each political group is: -

Conservative – 59.65%
Liberal Democrat – 24.56%
Independent Group – 10.53%

17. Each of the political groups (formed when two or more Councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group) is entitled to a certain number of seats on committees. This is based upon their group's percentage representation on the Council as a whole, as detailed above.

18. Taking into account the proposed changes to the Council's committee structure, if approved there will be 75 committee seats available. The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ for each political group (paragraph 16 above) } \times \text{ number of committee seats (75)}}{100}$$

19. After undertaking the above calculation for each of the political groups represented on the Council, the committee seats are allocated as follows: -

Conservative	44.74
Liberal Democrat	18.42
Independent Group	<u>7.90</u>
	71.06

20. 3.94 of the 75 committee seats could not be allocated across the three groups using this formula at the first visit so the same calculation is repeated, changing the number of seats from 75 to 3.94. These remaining seats are allocated as follows: -

Conservative	2.35
Liberal Democrat	0.97
Independent Group	<u>0.41</u>
	3.73

21. Adding the totals for each political group from paragraphs 19 and 20 provides the notional entitlement to committee seats, as follows: -

Conservative	47.09 = 47 seats
Liberal Democrat	19.39 = 20 seats
Independent Group	<u>8.31</u> = 8 seats
	74.79 = 75 seats

Joint Committees

22. As outlined in paragraph 16 above, the breakdown of the 94.74% Councillors in political groups is as follows for each group: -

Conservative – 59.65%
Liberal Democrat – 24.56%
Independent Group – 10.53%

23. Unlike a Council's ordinary committees, the proportionality for joint committees or outside bodies cannot be aggregated. There are therefore 6 seats available for each joint committee (The Joint Development Control Committee – Cambridge Fringes and the Northstowe Joint Development Control Committee). The calculation to determine the entitlement of political groups to seats on each joint committee is as follows: -

% for each political group (paragraph 22 above) x number of seats (6)

100

24. After undertaking the above calculation for each of the political groups represented on the Council, the joint committee seats are allocated as follows: -

Conservative	3.58 = 4 seats
Liberal Democrat	1.47 = 1 seats
Independents	<u>0.63 = 1 seat</u>
	5.68 = 6 seats

25. Further to paragraph 9(b) above, the majority of the seats on a body have to be allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership. Four of the six seats for each joint committee have therefore been allocated to the Conservative Group due to the fact that it consists of the majority of the Council's membership.
26. **Appendix A** shows a rounded allocation of seats to each political group, compared to the committee structure, as agreed by political group leaders.

Nominations and Substitutes

27. Council is also required to appoint up to five substitutes per committee from each political group in a hierarchical list to all Council committees. Council may also appoint substitutes to any joint bodies where provisions for substitutes exist in that body's terms of reference. The Constitution, at Part 5, Section A, requires that the nominations of the groups be accepted by Council. The nominations of political groups to seats on committees, including substitute members, are set out in **Appendix B**.

Mandatory Training Requirements

28. Political groups have been reminded that members and substitute members of the Planning Committee, Licensing Committee and Employment Committee may only serve on these bodies once they have received the necessary training.

Options

29. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed (a "no dissent" alternative). Paragraph 10 of this report should be noted when considering this option.

Implications

30.	Financial	None.
	Legal	As set out in the body of the report.
	Staffing	None.
	Risk Management	None.
	Equality and Diversity	The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.
	Equality Impact Assessment completed	No. Not applicable.
	Climate Change	None.

Consultations

31. Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocations of seats on committees and their respective nominations have been put before Council for approval.

Consultation with Children and Young People

32. None. This is strictly a matter for District Councillors.

Effect on Strategic Aims

33. Appointing members to the committees, in accordance with the political balance of the Council, and the associated allocation of seats on committees, will enable the Council to properly discharge its functions.

Background Papers: the following background papers were used in the preparation of this report:
 SDCDC Constitution
 Local Government and Housing Act 1989
 Local Government (Committees and Political Groups) Regulations 1990

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