

REPORT TO: Council
LEAD OFFICER: Legal and Democratic Services Manager

27 February 2014

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 resignation of Councillor Peter Johnson from the Conservative group.
2. Councillor Johnson's resignation from the Conservative group has reduced the number of Conservatives on the Council to 34, meaning that the Council's political balance and allocation of seats on committees must be reviewed.
3. This is not a key decision and only the Council can make a decision on this issue.

Recommendations

4. 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**.
 - (c) The addition of a paragraph in the Council's Standing Orders under the section entitled 'appointment of substitute members of committees, sub-committees and outside or joint bodies' to read:

"Vacant positions

Group Leaders can appoint a substitute to fill any vacancy that may arise on a committee, sub-committee, outside or joint body, where those bodies allow, until a replacement has been appointed at a meeting of Council."

Reasons for Recommendations

5. 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

6. 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.

7. 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.
8. 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 the body as is borne by the number of members of that group on the membership of the authority.
9. These principles must be applied as far as 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 political group leaders.
10. 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.
11. 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.
12. 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

13. Notice was received on 28 January 2014 of Councillor Peter Johnson's resignation from the Conservative group and his request to be treated as an independent Councillor not aligned to any political group. Political group leaders have considered the allocation of seats and political group nominations to seats on committees in view of this. The recommendations of the Leader of the Council and Leader of the

Independent Group are set out in paragraph 4 above and the appendices attached to this report.

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

| | | |
|------------------------------|---|-----------|
| Conservative – 34 | | |
| Liberal Democrat – 13 | | |
| Independent Group – 6 | | |
| No political affiliation – 3 | } | |
| Labour – 1 | } | Non-group |

15. This equates to 53 Councillors in political groups who are entitled to committee seats. The political balance of the Council for those Councillors can be calculated by using the formula below (to one decimal place):

$$\frac{\text{Number of Councillors in a specific political group}}{\text{Number of Councillors in all political groups (53)}} \times 100$$

16. The breakdown of each political group is therefore as follows:

| | |
|-------------------|--------------|
| Conservative | 64.2% |
| Liberal Democrat | 24.5% |
| Independent Group | <u>11.3%</u> |
| | 100% |

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, as detailed above.

18. The Council's current committee structure comprises of 75 seats. The calculation to determine the entitlement of political groups to seats on committees is as follows:

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

19. The notional entitlement to committee seats for each political group is therefore as follows:

| | |
|-------------------|------------------------------|
| Conservative | 48.15 = 48 seats |
| Liberal Democrat | 18.37 = 18 seats |
| Independent Group | <u>8.48</u> = 9 seats |
| | 75 = 75 seats |

Joint Committees

20. Unlike a Council's ordinary committees, the proportionality for joint committees or outside bodies cannot be aggregated. There are therefore six seats available for each joint committee (the Joint Development Control Committee – Cambridge Fringes and the Northstowe Joint Development Control Committee).

21. The calculation to determine the entitlement of political groups to seats on each joint committee is as follows:

$$\frac{\% \text{ for each political group (para. 16 above) } \times \text{ number of joint committee seats (6)}}{100}$$

22. The notional entitlement to joint committee seats for each political group is therefore as follows per committee:

| | |
|-------------------|-----------------------------|
| Conservative | 3.85 = 4 seats |
| Liberal Democrat | 1.47 = 1 seat |
| Independent Group | <u>0.68</u> = 1 seat |
| | 6 = 6 seats |

23. **Appendix A** shows a rounded allocation of seats to each political group, compared to the committee structure, as recommended by political group leaders.

Nominations and Substitutes

24. Council is 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 bodies where provisions for substitutes exist in that body’s terms of reference. The Constitution, in Section A of Part 5, requires that the nominations of the groups be accepted by Council. The nominations of political groups to seats on committees, including substitute members, as attached as **Appendix B**.

25. There is currently no provision within the rules for a vacant seat on a committee or other body to be replaced by a substitute, should a vacancy arise at any time. This could potentially undermine the political balance on a committee or body if it was required to meet before a permanent appointment could be made at a meeting of full Council. It is therefore proposed that political group leaders be given the authority to appoint a substitute to replace any such vacancies on a committee or body, until a replacement has been appointed at a meeting of Council.

Mandatory Training Requirements

26. Political group leaders 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

27. 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 11 of the report should be noted when considering this option.

Implications

28. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, there are no significant implications.

Consultation responses (including from the Youth Council)

29. The Council's political group leaders have been consulted on the contents of this report and their recommendations are set out in paragraph 4. No other consultation has been undertaken.

Effect on Strategic Aims

30. Appointing councillors to 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:

- South Cambridgeshire District Council's Constitution
- The Local Government and Housing Act 1989
- The Local Government (Committees and Political Groups) Regulations 1990

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