

COUNCIL

19 JANUARY 2023

ALLOCATION OF COMMITTEE SEATS

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

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Summary

This report sets out the position regarding the overall allocation of seats on Committees following the creation of an Independent Group and, separately, an increase in size of the Conservative Group.

1. Budget and policy framework

- 1.1. The establishment of committees, the allocation of seats to political groups and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Council.
- 1.2. Section 15 of the Local Government and Housing Act 1989 places a duty on local authorities to allocate committee seats to political groups. The circumstances in which a review of the allocation of Committee seats must take place is prescribed in Section 17 of The Local Government (Committees and Political Groups) Regulations 1990.

2. Background

- 2.1. At the Annual Council meeting on 18 May 2022 the Council agreed to establish Committees and allocate seats between political groups as set out in Appendix A.
- 2.2. Following the recent passing of Councillor Mick Pendergast (Peninsula ward), a by-election was held on 8 December 2022 where Councillor George Crozer was elected.
- 2.3. Councillor Crozer and Councillor Sands subsequently established the Independent Group.
- 2.4. In addition, Councillor Adeoye recently joined the Conservative Group. As a consequence, the current composition of the Council is now as follows:

Group	Number of Councillors	%
Conservative Group	33	60.000
Labour and Co-operative Group	20	36.364
Independent Group	2	3.636
Total	55	100%

- 2.5. Following the by-election, the notice relating to Councillor Adeoye joining the Conservative Group was also accompanied by a notice which requested a review of the allocation of committee seats. In the case of the Independent Group, there is a requirement in law to review the allocation of committee seats upon its establishment. In both cases there is a requirement to conduct a review.

3. Review of allocation of Committee seats

- 3.1. The Local Government and Housing Act 1989 and associated regulations requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members five clear days in advance of this meeting and agreed without any Councillor voting against them. The Council is required to observe the following principles so far as is reasonably practicable:
- (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 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 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 the 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.
- 3.2. Principles (a), (b) and (d) apply to all appointments to the authority's own bodies and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary committees' of the Council.

- 3.3. Any decision to waive the requirements of political balance will require a resolution of the Council with no member voting against.
- 3.4. Following the recent by-elections, the entitlement of the Council's three political groups to Committee seats is now as follows:

Conservative Group	Labour and Co-operative Group	Independent Group	Total
78 (+3)	47	5	130

- 3.5. The current allocation of committee seats is set out in Appendix A to the report. Following a review undertaken by the Head of Democratic Services, discussions have taken place with Group Whips and a proposal for the allocation of seats to political groups has been agreed with them as set out in Appendix B to this report. This proposal meets the overriding requirement to ensure the overall number of seats on ordinary committees are allocated in accordance with the changed political balance of the Council.
- 3.6. In summary, the impact of an increase in the size of the Conservative Group, a decrease in the size of the Labour and Co-operative Group and the outcome of the subsequent review requires the Council to allocate two additional committee seats to the Conservative Group whilst the Labour and Co-operative Group loses two committee seats. Specifically, the Conservative Group will gain one seat on both the Licensing and Safety Committee and the Planning Committee, with the Labour and Co-operative Group losing one seat on both of these committees.
- 3.7. The Independent Group are entitled to 5 committee seats in total, one each on the four overview and scrutiny committees and one seat on the Planning Committee. This means that all 130 committee seats are allocated to the three political groups and there are no longer any vacancies on any committees.
- 3.8. These adjustments mean that the principles set out in paragraph 3.1 above are complied with in so far as it is practicable to a greater extent than would be the case otherwise. The effects of these recommended changes are set out in Appendix B. The overall number of committee seats remains unchanged at 130. The changes to committee memberships are set out in Appendix C to the report.
- 3.9. The Conservative Group retains an entitlement to 3 additional seats on the Children and Young People Overview and Scrutiny Committee to preserve its majority, in view of the seats for statutory voting co-opted Members on that Committee.
- 3.10. The recommended changes to the membership of the Licensing and Safety Committee, if approved by Members, means that the Licensing and Safety Committee will be required to review the allocation of seats on its Sub-Committees. A report will be submitted to the next meeting of this Committee.

- 3.11. Separately, a review has also been undertaken of the outside bodies which were agreed at the Annual Council meeting on 18 May 2022.
- 3.12. The establishment of a third political group has resulted in a small number of recommended changes to the following outside bodies:
 - 3.12.1. Informal Working Party on Polling Districts and Polling Places (currently 4:3) – it is recommended that the composition of this Working Party changed to 4:2:1. This reflects the typical composition of this Working Party when there are at least three political groups on the Council.
 - 3.12.2. Member Development Advisory Group (currently 4:3) – it is recommended that the composition of this Advisory Group be changed to 4:2:1. This reflects the typical composition of this Working Party when there are at least three political groups on the Council
 - 3.12.3. Rural Liaison Committee (currently 7:3:1:1) – it is recommended that the composition of this Committee be changed to 7:3:1. In the case of this Committee (which is not a formal Committee of the Council), the Annual Council meeting held in May 2019 after the last local elections resulted in there being only two political groups on the Council. In such circumstances, Annual Council agreed to increase the size of the Committee from 11 to 12 to facilitate the allocation of seats to the two non-group Independent Members (Councillors Pendergast and Sands). Following the formation of the Independent Group, it is appropriate that this Committee reverts to a Committee of 11 (7:3:1).

4. Financial, legal and risk management implications

- 4.1. There are no financial implications arising from this report.
- 4.2. The proposals in this report relating to the allocation of Committee seats comply with the relevant legal requirements set out in the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990.
- 4.3. There are no risk management implications arising from this report.

5. Recommendations

- 5.1. The Council is recommended to:
 - 5.1.1. Note the review of the allocation of seats on the Committees of the Council as set out in section 3 of the report;
 - 5.1.2. Agree the allocation of seats on the Committees of the Council as set out in Appendix B to the report;

- 5.1.3. Agree the changes to outside bodies as set out in paragraphs 3.12.1 – 3.12.3 of the report
- 5.1.4. Agree the membership changes to the Committees of the Council and outside bodies as set out in Appendix C to the report.
- 5.2. The Council is asked to note that the Licensing and Safety Committee will be asked to review the membership of its Sub Committees at its next meeting.

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Appendices

Appendix A – Allocation of committee seats agreed by Annual Council in May 2022
Appendix B – Allocation of committee seats January 2023
Appendix C – Membership changes to committees and outside bodies January 2023

Background papers

None