

Council

8 October 2020

Report of Director of Corporate and Customer Services

POLITICAL BALANCE, POLITICAL GROUPS AND ENTITLEMENT TO SEATS ON COMMITTEES

PURPOSE OF REPORT

To update the membership of political groups on the Council and report on the change to the political balance of the authority and the entitlement of political groups to seats on committees.

RECOMMENDATION

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group – Councillor Garry Purdy (Leader of the Council)
 - (b) Green and Independent Group – Councillor Neil Buttle
 - (c) Labour Group – Councillor Mike Ratcliffe
 - (d) Liberal Democrat Group – Councillor Steve Flitter
2. That the entitlement of the membership of the political groups and non-aligned Members according to the political balance calculation be noted
3. That the requirement for political balance be suspended in order to:-
 - Reflect the requirement for the Conservative Group to hold a majority on all decision making committees
 - Ensure the representation of all groups reflects the overall political balance of the Council
 - Amend the size of Planning Committee and Licensing and Appeals Committee
4. That the political groups nominate Members to fill seats in accordance with the change to the political balance of the Council.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The strategic leadership provided by councillors in discharging the functions of the Council through committees and other bodies is critical to the delivery of all priorities in the Corporate Plan.

1 BACKGROUND

- 1.1 The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last Council meeting, the Proper Officer has received notification of a change in the membership of political groups.
- 1.2 Since 5 August 2020, the Labour Group's membership has reduced to 5 Members after Councillor Raw joined the Green and Independent Group, the membership of which has increased to 5 Members. There are no other changes to the membership of the political groups of the Council.
- 1.3 According to the terms of reference for the various committees of the Council, there are 77 seats available on committees, although 78 seats are presently filled under the appointments agreed at the Annual Council meeting on 22 July 2020. However, the revised calculation following the change in the membership of political groups does not reflect the entitlement to seats required from the political balance of the Council.
- 1.4 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include
 - (a) That the number of seats on ordinary Committees/Bodies ... 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 Members of that group to the membership of the Authority (i.e. the allocation of the total number of seats available must mirror the political composition of the council).
 - (b) That the number of seats on the Body (Committee, etc.), 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 (i.e. the allocation of seats on individual committees must mirror the political composition of the council).
- 1.5 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.6 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate seats to non-aligned councillor

2 POLITICAL GROUPS

- 2.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of a change in the membership of the Council's political groups. On 5 August 2020, Councillor Raw became a member of the Green and Independent Group, which increased in size to 5 Members as a result. The effect of Councillor Raw leaving the Labour Group has been

to reduce the size of that group to 5 Members. The effect of this change means that the political balance of the Council is:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Purdy	20
Green and Independent	Councillor Buttle	5
Labour	Councillor Ratcliffe	5
Liberal Democrat	Councillor Flitter	7

- 2.2 Councillors Elliott and Swindell do not belong to a political group and for the purposes of this report are designated as non-aligned Members.

3 ENTITLEMENT TO SEATS

- 3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 77 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (39)}} \times \text{Number of Seats to be allocated}$$

For the 77 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	39
Green and Independent	10
Labour	10
Liberal Democrats	14
Non-Aligned	4

- 3.2 Application of principle (b) in paragraph 2.1 of this report, relating to the number of seats on individual committees, gives the following:

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	14 (13)	7	2	2	2	1
Licensing and Appeals	12	6	2	2	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0

Local Plan	10	5	1	1	2	1
	78 (77)	39	10	10	14	5

This calculation shall be referred to throughout this report as Option 1.

- 3.3 This calculation does not reflect the entitlement to seats for political groups from the calculation under principle (a), as it requires there to be 14 Members of the Planning Committee and 13 Members of the Licensing Committee, and does not reflect the overall political balance of the Council. In addition, it allocates an additional seat to the non-aligned councillors, which they would not be entitled to under the application of principle (a). As the Conservative Group has the majority of seats on the Council, its majority should be reflected in the membership of committees.
- 3.4 The Proper Officer met with political group leaders in September 2020 to explain the options available to the Council in determining the allocation of seats. The main issues relate to the balance of the Planning Committee and the Licensing and Appeals Committee where the calculation at paragraph 3.2 shows that the political balance of the Council cannot be reflected in the entitlement to seats. Whilst there is no restriction on the size of the Planning Committee, the Licensing Act 2003 requires that the Licensing Committee have a membership of between 10 and 15 Members. With this in mind, the following calculations have been undertaken
- 3.5 Option 2 – Increase Planning Committee membership to 17 councillors and reduce Licensing Appeals membership to 11 councillors

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	17	9	2	2	3	1
Licensing and Appeals	11	6	1	1	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	81	40	9	9	15	5

For the 81 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	40
Green and Independent	10
Labour	10
Liberal Democrats	15
Non-Aligned	4

Option 2 therefore does not ensure that the requirement of balance is met in full when applying principle (a). Principle (b) continues to give too many seats to the non-aligned councillors and removes a seat from both the Green and Independent Group and the Labour Group. This option does ensure that the Conservative Group's majority is reflected on all decision making committees. Furthermore, application of principle (b) does not fill all of the available seats.

3.6 Option 3 – Decrease the membership of both the Planning Committee and Licensing and Appeals Committee to 11 councillors

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	11	6	1	1	2	1
Licensing and Appeals	11	6	1	1	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	75	38	8	8	13	4

For the 75 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	38
Green and Independent	10
Labour	10
Liberal Democrats	13
Non-Aligned	4

Option 3 therefore does not ensure that the requirement of balance is met in full when applying principle (a). Principle (b) now ensures the correct entitlement for the non-aligned councillors, but removes two seats from both the Green and Independent Group and the Labour Group. This option also ensures that the Conservative Group's majority is reflected on all decision making committees. Furthermore, application of principle (b) does not fill all of the available seats.

3.7 None of the calculations above address the requirement for political balance to be reflected in the entitlement to seats. The table below sets out the issues and potential solutions in respect of each calculation:

Option	Issues	Potential Solutions (where available)
1	<ul style="list-style-type: none"> Does not give Conservative Group a majority on Planning Committee or Licensing and Appeals Committee 	<ul style="list-style-type: none"> Agree to appoint an additional Conservative Member to Planning Committee to give a majority on a committee of 15 Members, which require a suspension of the requirement for political balance.
	<ul style="list-style-type: none"> Allocates one more seat to the Non-Aligned Councillors than that which they are entitled to 	<ul style="list-style-type: none"> Maintain the current appointments for non-aligned members, which would mean not appointing a non-aligned member to Licensing and Appeals Committee and allocating an additional seat to give the Conservative Group a majority on this committee.
2	<ul style="list-style-type: none"> Allocates one more seat to the Non-Aligned Councillors than that which they are entitled to 	<ul style="list-style-type: none"> Maintain the current appointments for non-aligned members and not appoint a non-aligned member to Licensing and Appeals Committee.
	<ul style="list-style-type: none"> The entitlement of the Green and Independent Group and the Labour Group reduces by 1 seat for each group 	<ul style="list-style-type: none"> No solution available that balances the application of principles (a) and (b). The requirement to suspend political balance would be required, but the application of principle would be required in practical terms following suspension.
3	<ul style="list-style-type: none"> The entitlement of the Green and Independent Group and the Labour Group reduces by 1 seat for each group 	<ul style="list-style-type: none"> No solution available that balances the application of principles (a) and (b). The requirement to suspend political balance would be required, but the application of principle would be required in practical terms following suspension.

- 3.8 Given that every solution identified against the options outlined requires a suspension of political balance, it is therefore recommended that the Council agrees to suspend the requirement for political balance in order for seats to be allocated according the various applications of principle (b) set out above in options 1, 2 and 3. Furthermore, the best fit of the three solutions set out in the table above would be a modification to option 1 which provides the necessary majority for the Conservative Group on all decision making committees without reducing the number of seats allocated to the other three political groups of the Council or the non-aligned Members. This would provide an entitlement to seats as follows:-

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	15	8	2	2	2	1
Licensing and Appeals	15	8	2	2	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	83	44	10	10	14	5

4 ASSESSMENT

4.1 Legal

The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. The legal risks associated with this report are low.

4.2 Financial

There are no financial risks arising from this report.

5 OTHER CONSIDERATIONS

- 5.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

- 6.1 James McLaughlin, Director of Corporate and Customer Services, 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

- 7.1 Report to Council – Appointment of Committees and Review of Political Proportionality – 22 July 2020
- 7.2 Email to the Chief Executive confirming Councillor Raw's membership of the Green and Independent Group

8 ATTACHMENTS

- 8.1 None