

Council

26 November 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 following special responsibility allowances be paid:
  - (a) Councillor Purdy - £11,331 (effective from 2 November 2020)
  - (b) Councillor Flitter - £1,617
  - (c) Councillor Buttle - £1,115 (effective from 5 August 2020)
  - (d) Councillor Ratcliffe - £1,115 (effective from 5 August 2020)
  - (e) Councillor Hobson - £5,666 (effective from 2 November 2020)
  
3. That the requirement for the principles of political balance under Section 15 of the Local Government and Housing 1989 be suspended in order to ensure the representation of all groups reflects the overall political balance of the Council.
  
4. That Option 1 in respect of the entitlement of the membership of the political groups and non-aligned Members according to the political balance calculation be approved.
  
5. That the political groups nominate Members to fill seats in accordance with the change to the political balance of the Council and the agreed entitlement to seats (according to a schedule detailing nominations to be circulated by the Director of Corporate and Customer Services ahead of the meeting).

6. That the Council determine which non-aligned Members be appointed to serve on committees where there is an entitlement for such Members (according to a schedule detailing nominations to be circulated by the Director of Corporate and Customer Services ahead of the meeting)..
7. That, subject to the membership of the Planning Committee being determined, an appointment be made to the role of Vice-Chair of the Planning Committee and the payment of the special responsibility allowance be effective immediately.

## **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.
- 1.3 On 2 November 2020, Councillor Bright notified the Proper Officer of his decision to sit as a non-aligned Member. The effect of this reduces the Conservative Group's membership to 19 of 39 seats. This amendment to the membership of the political groups moves the Council to a state of no group having overall control.
- 1.4 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.
- 1.5 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).

1.6 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.

1.7 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 notifications, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of changes in the membership of the Council's political groups.

2.2 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.

2.3 On 2 November 2020, Councillor Bright ceased to be a member of the Conservative Group following his decision to sit as a non-aligned Member. The effect of Councillor Bright leaving the Conservative Group has been to reduce the size of that group to 19 Members.

2.4 The effect of these changes means that no political group is in overall control of the authority and the political balance of the Council is now:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Purdy	19
Green and Independent	Councillor Buttle	5
Labour	Councillor Ratcliffe	5
Liberal Democrat	Councillor Flitter	7

2.5 Councillors Bright, Elliott and Swindell do not belong to a political group and for the purposes of this report are designated as non-aligned Members. Whilst they are grouped for the purposes of seat entitlement calculations, they are not recognised as a group and are not afforded the opportunity to substitute for one another on various committees.

2.6 The change in political balance puts the Green and Independent Group and the Labour Group on an equal number of seats. Under the Members' Allowances Scheme, special responsibility allowances are paid to the two largest minority group leaders. The scheme does not specify what should be done in a situation where there are two groups with equal numbers. The special responsibility allowance for a minority group leader is £231 per Member, which equals £1,155 for a group leader. It is recommended that Councillor Buttle and Councillor Ratcliffe both receive the special responsibility allowance for opposition group leaders, in addition to Councillor Flitter receiving a

special responsibility allowance of £1,617 for the seven Members in the Liberal Democrat Group.

- 2.7 The change in group membership arising from Councillor Bright's decision to become a non-aligned Member also had the effect of reducing the allowance paid to Councillor Purdy from £11,331 from £11,562, and consequently the allowance paid to Councillor Hobson from £5,781 to £5,666.

### 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 seats to the four political groups and non-aligned is determined by the following formula:

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

- 3.2 The Proper Officer met with political group leaders in September and November 2020 to explain the options available to the Council in determining the allocation of seats. There is no scenario where the political make up of the Council can be reflected when principles (a) and (b), set out in paragraph 1.5, are applied. It is therefore necessary for the Council to agree to suspend the rules of political balance in order to approve a seat entitlement which best fits the new political make up of the authority.

- 3.3 The option which seemed like to secure the most support from the discussions with political group leaders is one where there are 81 seats available in total on committees. This would result in committees having the following size of membership:

Governance and Resources	16 (was 17)
Community and Environment	16 (was 17)
Planning	15 (was 13)
Licensing and Appeals	15 (was 12)
Joint Consultative	6 (no change)
Joint ICT	3 (no change)
Local Plan Advisory Group	10 (no change)

- 3.4 For the 81 seats available in applying principle (a) in paragraph 1.5, this gives:

Political Group	Seat Entitlement
Conservative	39
Green and Independent	10
Labour	10
Liberal Democrats	15
Non-Aligned	6

- 3.5 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 Group	Green and Independent Group	Labour Group	Liberal Democrat Group	Non-aligned Members
<b>Committees</b>						
Governance and Resources	16	8 (7.79)	2 (2.05)	2 (2.05)	3 (2.87)	1 (1.23)
Community and Environment	16	8 (7.79)	2 (2.05)	2 (2.05)	3 (2.87)	1 (1.23)
Planning	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
Licensing and Appeals	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
Joint Consultative	6	3 (2.92)	1 (0.77)	1 (0.77)	1 (1.08)	0 (0.46)
Joint ICT	3	1 (1.46)	0 (0.38)	0 (0.38)	1 (0.54)	0 (0.23)*
Local Plan	10	5 (4.87)	1 (1.28)	1 (1.28)	2 (1.79)	1 (0.77)
<b>TOTALS</b>	<b>81</b>	<b>39</b> (39.46)	<b>10</b> (10.38)	<b>10</b> (10.38)	<b>16**</b> (14.54)	<b>5</b> (6.23)

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

3.7 This calculation is not perfect as it gives the Liberal Democrats a total of 16 seats through the application of principle (b), when principle (a) entitles the Liberal Democrats to 15 seats. Furthermore, the application of principle (b) only gives the non-aligned Members a total of 5 seats, when principle (a) requires that the non-aligned Members should have 6 seats in total.

3.8 The Proper Officer met with political group leaders in November 2020 to discuss the implications of this option and there was agreement that this option could work with there being agreement that the Liberal Democrats maintain their entitlement under the application principle (b), i.e. have 16 seats, and the non-aligned Members be given an additional seat on the Joint ICT Committee to take their entitlement up to 6 seats on individual committees. This scenario ensures that all committees have an appropriate level of membership, whilst finding a best fit in respect of reflecting the overall balance of the Council. On this basis, subject to unanimous agreement to suspend the requirement for political balance, Option 1 is recommended to the Council in respect of the entitlement of political groups and non-aligned Members to seats on committees.

3.9 If the current membership levels of committees were maintained, under the application of principle (a), the total entitlement to the 78 seats would be:

Political Group	Seat Entitlement
Conservative	38
Green and Independent	10
Labour	10
Liberal Democrats	14
Non-Aligned	6

3.10 The application of principle (b) for individual committees would result in:

	<b>Membership</b>	<b>Conservative Group</b>	<b>Green and Independent Group</b>	<b>Labour Group</b>	<b>Liberal Democrat Group</b>	<b>Non-aligned Members</b>
<b>Committees</b>						
Governance and Resources	17	8 (8.28)	2 (2.18)	2 (2.18)	3 (3.05)	1 (1.31)
Community and Environment	17	8 (8.28)	2 (2.18)	2 (2.18)	3 (3.05)	1 (1.31)
Planning	13	6 (6.33)	2 (1.67)	2 (1.67)	2 (2.33)	1 (1.00)
Licensing and Appeals*	12	6 (5.85)	2 (1.54)	2 (1.54)	2 (2.15)	1 (0.92)
Joint Consultative	6	3 (2.92)	1 (0.77)	1 (0.77)	1 (1.08)	0 (0.46)
Joint ICT**	3	1 (1.46)	0 (0.38)	0 (0.38)	1 (0.54)	0 (0.23)
Local Plan	10	5 (4.87)	1 (1.28)	1 (1.28)	2 (1.79)	1 (0.77)
<b>TOTALS</b>	<b>78</b>	<b>37</b> (38.00)	<b>10</b> (10.00)	<b>10</b> (10.00)	<b>14</b> (14.00)	<b>5</b> (6.00)

3.11 This calculation leaves the Conservative Group and the non-aligned Members short of one seat each in the individual entitlement under principle (b). Furthermore, the individual calculation under principle (b) increases the membership of Licensing and Appeals Committee to 13 (from 12) and leaves one seat unfilled on Joint ICT Committee. This option is not recommended because it would require giving the Conservative Group an additional seat, which is not possible on individual committees as it would give the Conservative Group a majority of seats on one committee to which it is not entitled as it would not be reflective of the overall political balance of the Council. If Member were minded to follow this option, the Council would need to vote unanimously to suspend the requirement for political balance.

3.12 A third option has been considered which would involve increasing the overall total of seats on committees to 83. Under this model ("Option 3"), committees would be comprised of the following memberships:

Governance and Resources	15 (was 17)
Community and Environment	15 (was 17)
Planning	15 (was 13)
Licensing and Appeals	13 (was 12)
Joint Consultative	7 (was)
Joint ICT	3 (no change)
Local Plan Advisory Group	15 (was 10)

3.13 If the current membership levels of committees were maintained, under the application of principle (a), the total entitlement to the 83 seats would be:

Political Group	Seat Entitlement
Conservative	40
Green and Independent	11
Labour	11
Liberal Democrats	15
Non-Aligned	6

3.14 The application to principle (b) for individual committees would result in:

	Membership	Conservative Group	Green and Independent Group	Labour Group	Liberal Democrat Group	Non-aligned Members
<b>Committees</b>						
Governance and Resources	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
Community and Environment	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
Planning	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
Licensing and Appeals*	13	6 (6.33)	2 (1.67)	2 (1.67)	2 (2.33)	1 (1.00)
Joint Consultative	7	3 (3.41)	1 (0.90)	1 (0.90)	1 (1.26)	1 (0.54)
Joint ICT**	3	1 (1.46)	0 (0.38)	0 (0.38)	1 (0.54)	0 (0.23)
Local Plan	15	7 (7.31)	2 (1.92)	2 (1.92)	3 (2.69)	1 (1.15)
<b>TOTALS</b>	<b>83</b>	<b>38</b> (40.44)	<b>11</b> (10.64)	<b>11</b> (10.64)	<b>16</b> (14.90)	<b>6</b> (6.38)

3.15 This calculation leaves the Conservative Group short of two seats each in the individual entitlement under principle (b). It also gives the Liberal Democrats an additional seat on the individual entitlement. Furthermore, the individual calculation under principle (b) would require the increase of the membership of Licensing and Appeals Committee to 13 (from 12) and would leave one seat unfilled on Joint ICT Committee. There is no way of giving the Conservative Group two additional seats through this calculation without giving them a majority of seats on any of the above committees, which would then not be reflective of the overall political balance of the Council. This would be further compounded if the Liberal Democrats had to reduce by one seat on any committee. This option is therefore not recommended.

3.16 Political Groups will be invited to nominate members to serve on each of the committees in order for Council to determine the membership following determination of an option for seat entitlement, The Proper Officer will write to political leaders in advance of the meeting inviting nominations for appointments to those committees. Political groups should also consider which non-aligned Member to appoint to those committees where there is an entitlement for non-aligned representation. It is important to consider that the non-aligned Members are not a group, and should be treated as individuals for the purposes of such appointments.

3.17 There is also a vacancy for the Vice-Chair of the Planning Committee, previously held by Councillor Bright. His appointment to this role has ceased at this meeting after no

longer holding a seat on the Planning Committee on behalf of the Conservative Group. Council will therefore need to consider nominations for the role of Vice-Chair of the Planning Committee. The Proper Officer will write to political group leaders to invite nominations in advance of the meeting in order for Council to vote to appoint a new Vice-Chair of the Planning Committee.

#### **4 ASSESSMENT**

##### *Legal*

- 4.1 The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. A failure to agree a new seat entitlement arising from the change in the political balance of the Council potentially creates a risk of challenge to any decision taken by a committee which no longer reflects the overall political make up of the Council. The recommended approach will reduce the legal risk to the authority and on this basis, the legal risks associated with this report are considered to be low.

##### *Financial*

- 4.2 The proposed allowances can be contained within the existing revenue budget. 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
- 7.3 Email to the Monitoring Officer confirming Councillor Bright's decision to sit as a non-aligned councillor

#### **8 ATTACHMENTS**

- 8.1 None