



OPEN REPORT ANNUAL COUNCIL

Annual Council – 25 May 2023

MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

Report of Director of Corporate and Customer Services & Monitoring Officer

Report Author and Contact Details

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Wards Affected

District wide

Report Summary

To report on the updated membership of political groups on the Council, the change to the political balance of the authority following the municipal elections held on 4 May 2023 and the new entitlement of political groups to seats on committees for the 2023/24 municipal year.

Recommendations

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group – Councillor Susan Hobson
 - (b) Green Party Group – Councillor Neil Buttle
 - (c) Labour and Councillor O'Brien Group – Councillor Peter Slack
 - (d) Liberal Democrat Group – Councillor Steve Flitter
2. That special responsibility allowances be paid in accordance with the Members Allowances Scheme at Part 6 of the Constitution.
3. That approval be given to the establishment of:
 - (a) Local Plan Sub-Committee of 10 Members under the auspices of the Community and Environment Committee
 - (b) Biodiversity Sub-Committee of 6 Members under the auspices of the Community and Environment Committee
4. That the Council notes, and agrees, the entitlement of the membership of the political groups and that such entitlements have been reflected in the allocations to Committees.

5. That Council considers nominations and appoints Members to serve on the:
 - (a) Joint ICT Committee
 - (b) Vision Derbyshire Joint Committee
 - (c) D2 Joint Committee for Economic Prosperity

6. That Council appoints Members to serve on Working Groups for the following purposes:
 - (a) Constitution Working Group (6 Members)
 - (b) Climate Change Working Group (6 Members)
 - (c) Member Development Working Group (1 Member from each group)
 - (d) Traveller Site Working Group (1 Member from each group)
 - (e) Gender Balance Working Group (1 Member drawn from each political group).

7. That the Independent Remuneration Panel be invited to consider the impact of appointments made which are not consistent with the existing Members Allowances Scheme and make recommendations back to the Council.

List of Appendices

None

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Membership of Political Groups, Political Balance and Entitlement to Seats on Committees

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.
- 1.2 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).
- 1.3 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.

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 the composition of four political groups in operation on the Council. These are:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Hobson	11
Green Party	Councillor Buttle	4
Labour and Councillor O'Brien	Councillor Slack	7
Liberal Democrat	Councillor Flitter	12

- 2.2 Every Member of the 34 councillors elected on 4 May 2023 has become a member of a political group.

3. Entitlement to Seats

- 3.1 Following the Local Government Boundary Commission for England's review of the Derbyshire Dales the total number of councillors has reduced to 34 Members, which was effective from 4 May 2023. There is a recognition

from all political groups in operation that the size of committees will need to reduce from those that were in operation during the 2022-23 municipal year when the Council had 39 Members. It is therefore recommended that the following committee sizes be adopted for the 2023-24 municipal year, with the inclusion of new bodies for this new term of the Council:

Committees	Membership
Governance and Resources	10
Community and Environment	15
Planning	15
Scrutiny	10
Licensing and Appeals	15
Joint Consultative	6
Local Plan Sub-Committee	10
Biodiversity Sub-Committee	6
TOTALS	87

- 3.2 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 is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (34)}} \times \text{Number of Seats to be allocated}$$

- 3.3 For the 87 seats available in applying principle (a) in paragraph 1.2, this gives:

Political Group	Seat Entitlement
Liberal Democrat	31
Conservative	28
Labour and Councillor O’Brien	18
Green Party	10

- 3.4 Application of principle (b) in paragraph 1.2 of this report, relating to the number of seats on individual committees, gives the following:

	Membership	Liberal Democrat Group (12)	Conservative Group (11)	Labour and Peter O’Brien Group (7)	Green Party Group (4)
Committees					
Governance and Resources	10	4	3	2	1
Community and Environment	15	5	5	3	2
Planning	15	5	5	3	2
Scrutiny	10	4	3	2	1
Licensing and Appeals	15	5	5	3	2
Joint Consultative	6	2	2	1	1
Local Plan Sub-Committee	10	4	3	2	1
Biodiversity Sub-Committee	6	2	2	1	1
TOTALS	87	31	28	17	10

- 3.5 With the exception of the Labour and Councillor O'Brien Group, this calculation enables every political groups to take up a proportion of the seats on committees that matches their overall entitlement. At the time of writing this report, the Labour and Councillor O'Brien Group have no objection to this seat entitlement being applied and recommended to the Council.
- 3.6 Should the Council agree to appoint Members to the Local Plan Sub-Committee and the Biodiversity Sub-Committee, the existing terms of reference for the previous working groups that undertook these functions will be updated to reflect these changes in the Constitution at the next meeting of the Council in July 2023.
- 3.7 The Ernest Bailey Charity Committee is comprised of Members representing the wards relevant to the charity and is not subject to the requirements of political balance.
- 3.8 The Council will be invited to elect Chairs and Vice-Chairs of committees at a later point on this agenda for the following:

Committee/ Decision Making Body	Chair	Vice-Chair
Community & Environment		
Governance & Resources		
Scrutiny		
Planning		
Licensing & Appeals		
Joint Consultative Group	To be appointed at first meeting	To be appointed at first meeting
Ernest Bailey Charity		
Local Plan Sub-Committee	To be appointed at first meeting	To be appointed at first meeting
Biodiversity Sub-Committee	To be appointed at first meeting	To be appointed at first meeting

4. Joint Committees

- 4.1 The District Council is a member of various Joint Committees in respect of matters or functions that affect the authority or the area of the Derbyshire Dales.
- 4.2 The Joint ICT Committee was established with representation from the three local authorities in the partnership for the delivery of ICT support services (Bolsover DC, North East Derbyshire DC and Derbyshire Dales DC). The Joint Committee exists for Members to provide oversight of the governance of the partnership arrangements and ensuring that a high standard of service delivery is matched with good value for money. The authority has three seats on this joint committee with the following seat entitlement:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member

4.3 The District Council became a member of the Vision Derbyshire Joint Committee in 2021 where it has had one seat since that time. These seats are filled by the Leaders of other participating authorities and it is recommended that the District Council continues its previous practice of nominating the Leader of the Council as a member of the Joint Committee, with the role of substitute being filled by the Deputy Leader.

4.4 The D2 Joint Economic Prosperity Committee was established to bring together Derby City Council, Derbyshire County Council and all District and Borough Councils in Derbyshire into a robust, formally constituted arrangement to deliver regeneration and economic prosperity across the whole geographical county of Derbyshire. Since its establishment, the District Council has appointed the Leader of the Council to serve on this body. It is recommended that this practice is continued in the 2023/24 municipal year.

5. Working Groups

5.1 The Council has previously appointed Members to serve on a variety of working groups to support the Council's priority policy objectives or good governance. This practice has been successful previously and it is recommended that this continues in this new municipal year. Whilst the Local Plan Working Group and Biodiversity Working Group are proposed to become sub-committees of the Community and Environment Committee, it is recommended that the Council considers appointing to the Constitution Working Group on the basis of a membership of 6 councillors:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member
Green Party	1 Member

This group will continue to work with the Monitoring Officer in refining the Constitution and ensuring the decision making processes remain relevant and appropriate to the needs of the Council and citizens.

5.2 The Council established a Climate Change Working Group during the previous term and it is recommended that this be continued again in 2023/24. There were previously 6 Members appointed to this working group and it is recommended that this approach be taken again as follows:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member
Green Party	1 Member

5.3 In the previous municipal year, the Council appointed a fixed-term working group to identify and make recommendations on potential sites for use by Travellers with an accepted local connection to the district under housing

legislation. It is not recommended that this group be re-appointed in its previous guise, but that cross party working continue with the nomination of one Member from each political group to work with officers to identify potential permanent and temporary sites.

5.4 The Council has also operated a Member Development Working Group and it is recommended that Members are nominated to serve on this body again in the 2023/24 municipal year. It is recommended that cross party working continues with the nomination of one Member from each political group to work with Democratic Services to inform the Member Development Programme for the current year.

5.4 There has been a request from some of the political group leaders to establish a Gender Balance Working Group. Whilst terms of reference for this body have yet to be established, it is recommended that the Council appoint to this group on the basis of one Member from each political group. A further report to either Council or a policy committee will be submitted in due course for approval of terms of reference for this working group.

6. Consultation

6.1 Consultation has taken place with political group leaders in the preparation of this report.

7. Timetable for Implementation

7.1 The respective political groups have been advised of their seat entitlements on committees and sub-committees and have been requested to provide nominations to the Proper Officer in order to report proposed appointments for the available seats ahead of this meeting.

8. Policy Implications

8.1 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.

9. Financial and Resource Implications

9.1 There are no financial implications associated with this report as written and the financial risk would be considered as low.

9.2 Should the Council determine to vary its political structures that potentially impact on the overall cost of the Members Allowances Scheme, it is recommended that Members ask Independent Remuneration Panel to revisit the scheme and consider whether amendments should be recommended to the Council.

10. Legal Advice and Implications

10.1 The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. 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.

11. Equalities Implications

- 11.1 Whilst the Council should have regard to the Public Sector Equality Duty when discharging any of its functions, there are no direct equalities implications associated with this report.

12. Climate Change Implications

- 12.1 There are no climate change or biodiversity implications directly associated with this report.

11. Risk Management

- 11.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Therefore, there are no risks to be borne in mind in respect of the recommendations.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/05/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/05/2023