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Agenda Supplement

Dear Councillor

ORDINARY COUNCIL - WEDNESDAY, 18TH NOVEMBER, 2015

I am now able to enclose, for consideration on Wednesday, 18th November, 2015 meeting of the Ordinary Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 10. | <u>Review of Political Balance</u> (Pages 3 - 16) |
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Yours sincerely

Head of Paid Service

Encs

16/11/15

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18 November 2015

Ordinary Council

Review of Political Balance - Seat Allocation and Appointments

Report of: Christopher Potter – Monitoring Officer and Head of Support Services

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The purpose of this report is to undertake a statutory review of the Council's political balance arrangements and to make appointments.
- 1.2 The Council is obliged to review the representation of political groups and the determination of the allocation of seats as prescribed under regulations made under section 15 of the Local Government and Housing Act 1989.
- 1.3 The trigger for this particular review is the recent increase in the membership of the Conservative Group on the Council following the Shenfield By-Election held on 29 October 2015.

2. Recommendation(s)

- 2.1 That the seats allocated in Appendix A to this report be agreed with immediate effect and that the councillors nominated to serve on those bodies be duly appointed.**

3. Introduction and Background

- 3.1 Unless the Council unanimously disapplies the political balance rules, the Council is required to allocate seats in accordance with those rules set out in the Local Government and Housing Act 1989 and regulations made under it.
- 3.2 A review of political balance is now required to be undertaken following the recent by-election result in Shenfield and Cllr Jan Pound's subsequent joining of the Conservative Group on the Council.

3.3 There is no proposed change in the number of committees and the total size of each committee stays the same. The allocation of seats is however slightly different.

4. Issue, Options and Analysis of Options

4.1 There are 37 elected councillors and the representation on the Council is now as follows:-

<u>Description</u>	<u>No. of Seats</u>	<u>% of Total Seats on the Council</u>
Conservatives	24 (23)	64.86
Liberal Democrats	10 (11)	27.027
Labour	2 (2)	5.4
Independent	1 (1)	2.7

4.2 There are a total of 75 seats on ordinary committees of the Council and applying the political balance rules the relative representation is as follows:-

<u>Description</u>	<u>No. of Seats</u>	<u>% of Total Ordinary Seats</u>
Conservatives	49 (47)	48.648
Liberal Democrats	20 (22)	20.270
Labour	4 (4)	4.054
Independent	2 (2)	2.027

4.3 The recommended allocation of the number of seats on the Committees is therefore as set out in Appendix A to this report.

4.4 The principles to be applied under section 15 of that Act are that:

- (1) not all the seats on a particular body are allocated to the same political group (i.e. no single party committee);
- (2) as there is a political group with a majority of seats on the Council, the majority of the seats on a particular body are given to the majority group (i.e. majority control);

- (3) subject to principles (1) and (2) above, the total number of seats to be allocated on the ordinary committees must reflect the overall proportionate strength of the particular group on the Council;
- (4) subject to principles (1) (2) and (3) above, the number of seats to be allocated on a particular body must reflect the overall proportionate strength of the particular political group on the Council.

- 4.5 Ordinary committees do not include sub-committees or advisory committees or advisory sub-committees.
- 4.6 The Conservative Group gains two extra seats and the Liberal Democrats' allocation of seats decreases by two.
- 4.7 To reflect the rules so far as is practicable, the changes in seat allocations are:

Audit, Scrutiny and Transformation Committee

- Extra Conservative Group seat (to reflect increased entitlement)
- Remove one Liberal Democrat Group seat (as a result of decreased proportion of total seats on ordinary committees).

Planning and Licensing Committee

- Extra Conservative Group seat (because the Conservative Group percentage is 7.783)
- Remove Independent seat (to facilitate the extra Conservative Group seat as political groups all have a higher percentage).

Community and Health Committee

- Add Independent seat (as need to compensate for loss of seat on Planning and Licensing Committee)
- Remove one Liberal Democrat Group seat (as a consequence of reduced proportion of total seats on ordinary committees).

- 4.8 With regard to a non-aligned Councillor, the Council is required to ensure that those seats not allocated to political groups are allocated to the non-aligned who the Council must duly appointed to such seats under section 16(2A) of the Local Government and Housing Act 1989.
- 4.9 Should Members wish to depart from the political balance rules and allocate seats differently, then all Members present and voting must in agreement.

- 4.10 Appointments in respect of nominations by Group Leaders to seats allocated to their political groups can be implemented by the Head of Paid Service under Rule 20.1 of Part 4.1 of the Council's Constitution.
- 4.11 If there are to be changes in the list of substitutes, then full Council is required to give effect to the list given to Council by the relevant Group Leaders and any non-aligned person.

5. Reasons for Recommendation

- 5.1 To comply with the statutory requirement to undertake a statutory review and to apply the political balance rules under section 15 of the Local Government and Housing Act 1989

6. Consultation

- 6.1 All political groups and Cllr Keeble.

7. References to Corporate Plan

- 7.1 None.

8. Implications

Financial Implications

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- 8.1 None.

Legal Implications

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- 8.2 The Council must ensure that seats are allocated to political groups in accordance with the principles set out in section 15 of the Local Government and Housing Act 1989 unless Members unanimously disapply the political balance rules, notice of the intention to do so having first been given in advance.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

None

10. Appendices to this report

Appendix A – Allocation of seats.

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Brentwood Borough Council POLITICAL BALANCE – 18 NOVEMBER 2015

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%
CONSERVATIVE	24 =	64.864
LIBERAL DEMOCRATS	10 =	27.027
LABOUR	2 =	5.405
NON- ALIGNED	1 =	2.702
TOTALS	37	100

POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	24	49 (48.648)
LIBERAL DEMOCRATS	10	20 (20.270)
LABOUR	2	4 (4.054)
NON- ALIGNED	1	2 (2.027)
		75

PROPOSAL:

	A,S&TC *	C & HC**	DAC***	EDC****	E&HMC +	P & LC++	P,F&R#	SAC~	TOTAL
	(9)	(9)	(9)	(9)	(9)	(12)	(9)	(9)	75
CON	6	6	5	6	6	8	6	6	49
LIB DEM	2	2	3	3	3	3	2	2	20
LAB	1	0	0	0	0	1	1	1	4
NON- AL.	0	1	1	0	0	0	0	0	2
	9	9	9	9	9	12	9	9	75

*AS&TC denotes Audit, Scrutiny and Transformation Committee

**C & HC denotes Community & Health Committee

*** DAC denotes Dismissal Appeals Committee (*Only meets on demand*)

****EDC denotes Economic Development Committee

+ E & HMC denotes Environment & Housing Management Committee

++ P & LC denotes Planning and Licensing Committee

P, F&R denotes Policy, Finance & Resources Committee

~ SAC denotes Staff Appointments Committee (*Only meets on demand*)

Section 15 (5) principles

Section 15 (5) of the Local Government and Housing Act 1989 states:-

'The principles mentioned in subsection (4) above, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, are –

- (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 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; and
- (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.'

Ordinary Committees do not include sub-committees or advisory committees or advisory sub-committees.

NOMINATIONS TO SEAT ALLOCATIONS & APPOINTMENTS

(Council must give effect to the wishes of the political groups as regards the nominations for the seats allocated to those political groups).

Audit, Scrutiny & Transformation Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr Paul Faragher*	Cllr Graeme Clark	Cllr Gareth Barrett	
Vice-Chair**:	Cllr Sheila Murphy**	Cllr Philip Mynott		
	Cllr Noelle Hones			
	Cllr Jan Pound			
	Cllr Mellissa Slade			
	Cllr Will Trump			
Approved Substitute:	Cllr Roger McCheyne	Cllr Karen Chilvers	Cllr Julie Morrissey	
Approved Substitute:	Cllr Mark Reed	Cllr Jo Squirrel		
Approved Substitute:	Cllr Tony Sleep			
Approved Substitute:	Cllr Andy Wiles			

Community & Health Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (0)	Non-Aligned (1)
Chair*:	Cllr William Russell*	Cllr Karen Chilvers		Cllr Roger Keeble
Vice-Chair**:	Cllr Olivia Sanders**	Cllr Jill Hubbard		
	Cllr Ann Coe			
	Cllr Cliff Poppy			
	Cllr Jan Pound			
	Cllr Andy Wiles			

Approved Substitute:	Cllr Chris Hossack	Cllr Ross Carter		Cllr Vicky Davies
Approved Substitute:	Cllr Sheila Murphy	Cllr John Newberry		
Approved Substitute:	Cllr Louise Rowlands			
Approved Substitute:	Cllr Will Trump			

Dismissal Appeals Committee (9)	Conservative (5)	Liberal Democrat (3)	Labour (0)	Non-Aligned (1)
Chair:	Cllr Louise McKinlay	TBC		Cllr Roger Keeble
Vice-Chair:	Cllr Roger Hirst	Cllr Karen Chilvers		
	Cllr John Kerlake	Cllr Jo Squirrell		
	Cllr Roger McCheyne			
	Cllr Keith Parker			
Approved Substitute:	Cllr Paul Faragher	Cllr Barry Aspinell		Cllr Vicky Davies
Approved Substitute:	Cllr Chris Hossack	Cllr Graeme Clark		
Approved Substitute:	Cllr Will Russell			
Approved Substitute:	Cllr Tony Sleep			

Economic Development Committee (9)	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Keith Parker*	Cllr David Kendall		
Vice-Chair**:	Cllr Louise Rowlands**	Cllr Philip Mynott		
	Cllr Jon Cloke	Cllr John Newberry		
	Cllr Olivia Sanders			

	Cllr Mellissa Slade			
	Cllr David Tee			
Approved Substitute:	Cllr Paul Barrell	Cllr Graeme Clark		
Approved Substitute:	Cllr Paul Faragher	Cllr Jo Squirrel		
Approved Substitute:	Cllr Sheila Murphy			
Approved Substitute:	Cllr Andy Wiles			

Environment & Housing Management Committee (9)	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Chris Hossack*	Cllr Vicky Davies		
Vice-Chair**:	Cllr Clifford Poppy**	Cllr Jill Hubbard		
	Cllr Ann Coe	Cllr Jo Squirrel		
	Cllr Madeline Henwood			
	Cllr Louise Rowlands			
	Cllr Tony Sleep			
Approved Substitute:	Cllr Paul Barrell	Cllr Ross Carter		
Approved Substitute:	Cllr Jon Cloke	Cllr John Newberry		
Approved Substitute:	Cllr Olivia Sanders			
Approved Substitute:	Cllr Mellissa Slade			

Planning & Licensing Committee (12)	Conservative (8)	Liberal Democrat (3)	Labour (1)	Non-Aligned (0)
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Chair*:	Cllr Roger McCheyne*	Cllr Ross Carter	Cllr Julie Morrissey	
Vice-Chair**:	Cllr William Trump**	Cllr Philip Mynott		
	Cllr Paul Barrell	Cllr John Newberry		
	Cllr Jon Cloke			
	Cllr Sheila Murphy			
	Cllr Jan Pound			
	Cllr Mark Reed			
	Cllr David Tee			
Approved Substitute:	Cllr Ann Coe	Cllr Karen Chilvers	Cllr Gareth Barrett	
Approved Substitute:	Cllr Cliff Poppy	Cllr Jill Hubbard		
Approved Substitute:	Cllr Louise Rowlands			
Approved Substitute:	Cllr Andy Wiles			

14
14

Policy, Finance & Resources Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr Louise McKinlay*	Cllr Barry Aspinell	Cllr Gareth Barrett	
Vice-Chair**:	Cllr John Kerslake**	Cllr Graeme Clark		
	Cllr Roger Hirst			
	Cllr Chris Hossack			
	Cllr Keith Parker			
	Cllr Will Russell			
Approved Substitute:	Cllr Roger McCheyne	Cllr David Kendall	Cllr Julie Morrissey	
Approved Substitute:	Cllr Cliff Poppy	Cllr Philip Mynott		

Approved Substitute:	Cllr Tony Sleep			
Approved Substitute:	Cllr Will Trump			

Staff Appointments Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr Louise McKinlay*	Cllr Barry Aspinell	Cllr Julie Morrissey	
Vice-Chair**:	Cllr Roger Hirst	Cllr Philip Mynott		
	Cllr John Kerslake			
	Cllr Roger McCheyne			
	Cllr Keith Parker			
	Cllr Paul Faragher			
Approved Substitute:	Cllr Chris Hossack	Cllr Graeme Clark	Cllr Gareth Barrett	
Approved Substitute:	Cllr Louise Rowlands	Cllr David Kendall		
Approved Substitute:	Cllr Will Russell			
Approved Substitute:	Cllr Tony Sleep			

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