

16 May 2018

Annual Council

Political Groups on the Council

Report of: *Claire Mayhew, Corporate and Democratic Services Manager*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Constitution under Council Procedure Rule 2.1 (h) provides that the Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Annual Meeting of the Council.

2. Recommendation(s)

- 2.1 That Annual Council note the Notices of Political Groups served on the Chief Executive.**

3. Introduction and Background

- 3.1 A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two Members. It is therefore separate from the concept of a political party (though it may well consist of members of the same political persuasion).
- 3.2 If the membership of a political group drops below two, the particular political group ceases to exist (Regulation 8(2)). A Member may cease to be a member of a particular political group if they are no longer a councillor (Reg.10). Members may apply to join an existing political group (Reg.9).
- 3.3 The reason why political groups are almost invariably formed is that where political balance is required as regards the seat allocation on council bodies then regard is to be had to political groups (not political parties).

- 3.4 The calculation of the proportionate allocation of seats subject to the political balance rules is based upon political groups and this is clearly significant as regards the control of power on those council bodies.
- 3.5 Notices relating to political groups (including changes as to the name of the group, its membership, the name of the Group Leader and the name of a Deputy Group Leader) are required to be in the prescribed written form and delivered to the proper officer of the Council.
- 3.6 Changes in political groups can therefore affect the calculation of the political balance on particular Council bodies.

4. Issue, Options and Analysis of Options

- 4.1 The Council must comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

5. Reasons for Recommendation

- 5.1 To comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

6. Consultation

- 6.1 Officers will consult with Members post the Borough Elections on 3rd May 2018.

7. References to Corporate Plan

- 7.1 None.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer
Tel & Email: 01277 312829 /jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There are no direct financial implications.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer /Head of Legal Services
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- 8.2 The Local Government (Committees and Political Groups) Regulations 1990 as amended deal, amongst other things, with political groups.

- 8.3 Regulation 7 of The Local Government (Committees and Political Groups) Regulations 1990 states that ‘The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with regulation 8’.
- 8.4 Regulation 8 (1) provides that ‘A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which – (a) is signed by two or more members of the authority who wish to be treated as a political group; and (b) complies with the provisions of paragraph (3).’
- 8.5 Regulation 8(3) states that ‘A notice under paragraph (1) shall state (a) that the members of the authority who have signed it wish to be treated as a political group; (b) the name of the group; and (c) the name of one member of the group who has signed the notice and who is to act as its leader.’
- 8.6 Regulation 8(4) provides that ‘A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader in relation to these Regulations (“the representative”).’
- 8.7 Regulation 9 states that ‘Subject to regulations 11 and 12, a member of the authority is to be treated as a member of a political group if –
- (a) he has signed a notice in accordance with regulation 8; or
 - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or representative of the group or by a majority of the members of the group, stating that he wishes to join the group.’
- 8.8 The requirements relating to political balance are contained in sections 15-17 and Schedule 1 to the Local Government and Housing Act 1989.

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

8.9 None.

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

9.1 Notices received, and duly minuted, at past Annual Council meetings are available on the Council’s website.

10. Appendices to this report

None

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