

Committee(s): Ordinary Council	Date: 1 st March 2023
Subject: Political Balance - Allocation of Committee Seats	Wards Affected: All
Report of: Andrew Hunkin – Interim Director of People & Governance & Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

Summary

Due to the recent resignation of the Ward Member for South Weald and a Ward Member from Brentwood South becoming an Independent Member (non-aligned), the Council is required to approve an amended allocation of seats on Committees.

Recommendation(s)

Members are asked to:

R1. Approve the allocation of seats as set out in Appendix A.

Main Report

Introduction and Background

1. Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 as amended when two or more Councillors duly notify the Chief Executive as Proper Officer of their wish to be treated as a political group.
2. Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the allocation of seats on Committees of the Council between the political groups.

3. The following statutory principles apply to the allocation of seats:
 - a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - b) That the majority of seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - c) That subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
4. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

Political proportionality

5. The political balance of the Council is calculated using the formula below (to two decimal places):

$$\frac{\text{Number of Group Members} \times 100}{36}$$

6. The political balance of the Council is set out in Appendix A.
7. To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.
8. Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.

Issue, Options and Analysis of Options

9. The number of seats on Committees that will be allocated amongst the political groups represented on the Council is shown in Appendix A.
10. Each of the political groups are entitled to the specified number of seats in Appendix A. This is based on their percentage representation on the Council as a whole.
11. The calculation to determine the entitlement of political groups to seats on Committees is as follows:

$$\frac{\text{\% from table 1 (Appendix A)}}{100} \times \text{Number of Committee seats available}$$

12. The strict entitlement to seats is shown in Appendix A.
13. Each of the political groups are only entitled to their proportion of seats and once this entitlement has been reached, any remaining seats may then be filled by those Councillors not belonging to a political group. Councillors who are not members of a political group have no legal entitlement to an allocation of seats on a committee. However, in the spirit of the Act they should be given their fair representation.
14. Appendix A shows a rounded allocation of seats to each political group. This is then manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.
15. Appendix B shows the revised nominations on the Committees of the Council.

Reasons for Recommendation

16. The Council is required to make appointments to those Committees for the effective discharge of its functions.

Consultation

17. Group Leaders have been consulted.

References to Corporate Plan

18. The delivery of the Corporate Plan will be enabled by the appointment of the Committees of the Council to discharge its functions.

Implications

Financial Implications

Name/Title: Tim Willis, Interim Director of Resources (S151)

Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

22. The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2022/2023. The cost of servicing committees will be met through existing budgets.

Legal Implications

Name & Title: Andrew Hunkin, Interim Director of People & Governance) and Monitoring Officer

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23. The Council's Constitution provides that the Annual Meeting will note the allocation of seats on committees to members of political groups and to members who are not in any political group, appoint members to those allocated seats in accordance with nominations from the political group leaders and to the remaining committee seats from among those members who are not in any political group.

24. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.

Economic Implications

Name/Title: Phil Drane, Director of Place

Tel/Email: 01277 312610/philip.drane@brentwood.rochford.gov.uk

25. There are no direct economic implications

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

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26. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
27. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
28. Advance equality of opportunity between people who share a protected characteristic and those who do not.
29. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
30. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
31. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

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

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

32. None.

Appendices to this report

Appendix A – Revised Allocation of Seats

Appendix B - Revised nominations on the Committees of the Council.