

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

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk

- 8.1 None.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer

Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk

- 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.

Report Author Contact Details:

Name: Christopher Potter

Telephone: 01277312860

E-mail: christopher.potter@brentwood.gov.uk