

**COUNCIL
6 SEPTEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: REVIEW OF ALLOCATION OF SEATS AND APPOINTMENT OF MEMBERS TO COMMITTEES FOR REMAINDER OF 2018/2019 CIVIC YEAR

REPORT OF THE SERVICE DIRECTOR: LEGAL AND COMMUNITY

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Council of the legislative review of proportionality, allocation of seats and appointment to Committees for the remainder of the 2018/2019 civic year.

2. RECOMMENDATIONS

- 2.1 That the Council notes the details of the political balance following the review for the remainder of the 2018/19 civic year and the allocated seats as set out in Appendix A.
- 2.2 That, for the remainder of the 2018/19 civic year, Members be appointed to the various Committees and other bodies in accordance with the wishes of the individual groups, as detailed in Appendix B to this report, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the provisions of Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990 (1990 Regulations).

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Leaders of the Political Groups have been consulted on the issue. Any wishes expressed by the Political Groups shall be taken into account in terms of nomination of Members to the allocated seats.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

7.1. Section 15 of the Local Government and Housing Act 1989 (“the Act”) and the Local Government (Committee and Political Groups) Regulations 1990 (1990 Regulations) impose a legal duty upon the Council to allocate seats to Political Groups in accordance with the proportionality principles under section 15(5) of the Act.

7.2. Whilst this normally occurs annually (and is reported through to the Annual Council meeting), the duty under section 15 to review the representation of different Political Groups should also be performed at other times, including those prescribed under the Regulations¹, which include following service of a Regulation 8 notice (‘Constitution of Political Groups’) on the Proper Officer, where such delivery is more than one month after the last review². The Committees to which section 15 of the Act applies are the following and have a total of 84 Committee seats:

- Overview and Scrutiny Committee;
- Finance, Audit and Risk Committee;
- Planning Control Committee;
- Licensing & Appeals Committee;
- Standards Committee;
- Council Tax Setting Committee;
- Employment Committee;
- Employment Appeals Committee; and
- Joint Staff Consultative Committee.

8. RELEVANT CONSIDERATIONS

8.1. A Regulation 8 notice was served by the Liberal Democratic Political Group on the Proper Officer on 17 August 2018. This set out the constitution of a Political Group and included Cllr Paul Marment, former Conservative District Councillor as part of this Political Group. Accordingly the Council Membership had changed from 29 Conservatives, 14 Labour and 6 Liberal Democrats Members, to 28, 14 and 7 respectively and triggered the aforementioned review of proportionality and allocation of seats under the legislation.

8.2. Appendix A to the report (which will be tabled at the meeting) will set out the political balance of Committees, as required under the Act and the allocation of seats for those Committees to which section 15 applies for the remainder of the 2018/19 civic year.

8.3. Appendix B to the report (which will also be tabled at the meeting) will set out the proposed appointment of Members to those Committees for the remainder of the 2018/2019 civic year, in accordance with the wishes of the Political Groups.

¹ As per section 15(1)(e) at such other times as may be prescribed by regulations made by the Secretary of State.

² As per Regulation 17(b) of the Regulations.

9. LEGAL IMPLICATIONS

- 9.1. Otherwise, Regulation 17 of the Regulations provides that:
*“17. Review of allocation of seats to political groups
The duty under section 15 to review the representation of different political groups shall be performed at the following times which are prescribed for the purposes of section 15(1)(e)– ...
(b) as soon as practicable after there is delivered to the proper officer a notice under regulation 8, where such delivery is more than one month after the last review carried out in accordance with section 15(1)(b) of the 1989 Act or, as the case may be, paragraph (a)..”*
- 9.2. Further, a Member of an authority is treated as a Member of a Political Group (and ceases to be a Member of another Political Group) if they have signed a notice in accordance with Regulation 8 and it is delivered to the Proper Officer. Cllr Paul Marment has signed the notice under Regulation 8 provided to the Proper Officer, and for the purposes of the Regulations he becomes a Member of the Liberal Democratic Political Group as per the provisions of 9 and 10 of the Regulations.
- 9.3. Allocation of the proportional seats are then made in accordance with the wishes of the Political Groups as per Regulation 13 of the Regulations, save in the event that there is failure to express wishes within a period of three weeks of notification in writing to the Political Group Leaders.
- 9.4. Allocation of seats under proportionality rules is a function of Full Council under section 4.4.1(g) “... deciding on their [Committee] composition and making appointments to them”.
- 9.5. Otherwise, the legal and Constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising directly from this report.

11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications arising from this report.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. APPENDICES

15.1 Appendix A – Proportionality and allocation of seats to Committees - this will be tabled at the Council meeting on 6 September 2018.

15.2 Appendix B – Appointment of Members of Committees for 2018/2019 - this will be tabled at the Council meeting on 6 September 2018.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 None.