

REPORT TO:	ANNUAL COUNCIL
DATE:	25 MAY 2022
SUBJECT:	POLITICAL BALANCE OF THE COUNCIL AND COMPOSITION OF COMMITTEES
LEAD OFFICER:	JANE WEST CORPORATE DIRECTOR OF RESOURCES AND S.151 OFFICER
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
This report fulfils the Council's duty to review and determine the representation of different political groups on certain committees at its annual meeting or as soon as practicable thereafter.	
FINANCIAL SUMMARY:	
There are no financial issues arising from the recommendations in this report.	
1. RECOMMENDATIONS	
Council is recommended to:	
1.1 Note that there are 34 Labour Group Members; 33 Conservative Group Members (including the Executive Mayor); 2 Green Group Members and 1 Liberal Democrat Member.	
1.2 Note that there is one vacancy on the Council and a by-election will be held next month; and	
1.3 Agree the size of committees and the allocation of seats on committees in accordance with the principles set out in this report.	
1.4 Subject to 1.3, authorise the Monitoring Officer to amend the Constitution to reflect the increase in the size of the Appeals and Civic Mayoralty and Honorary Freedom Selection Committees.	

2. INTRODUCTION

- 2.1 This report fulfils the Council's duty to review and determine the representation of different political groups on certain committees at its annual meeting or as soon as practicable thereafter. The subsequent duty to make appointments to those committees, giving effect to the wishes of the political groups allocated the seats, is dealt with in a separate report and also to be considered by Council at its annual meeting.

2.2 In addition, related changes to the Constitution are proposed in this report. Namely, changes to the size of committees.

3. POLITICAL BALANCE / PROPORTIONALITY

3.1 The rules on political balance and committees are set out in sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.

3.2 The Council is required to review the representation of different political groups on certain committees at, or as soon as practicable, after its annual meeting.

3.3 As soon as practicable after the review, the Council then has a duty to determine the allocation to the different political groups all the seats on the relevant committees. The allocation is determined by applying the political balance rules prescribed by section 15(5) of the 1989 Act. These rules are set out in the next paragraph and are designed to ensure that the political composition of the Council's committees, as far as possible, replicates the political composition of the Council.

3.4 The rules are that seats on relevant committees must be allocated to different political groups (i.e. a group of two or more members), so far as reasonably practicable, in accordance with the following four principles:

- (a) That not all the seats on the body are allocated to the same political group. In other words, committees/sub-committees comprising solely of members of the same political group are not allowed.
- (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 Council's membership. As no political group has an overall majority, this rule is not applicable.
- (c) Subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the ordinary committees of the Council as the proportion of the members of the Council that belong to that group. In other words, the total number of seats on certain committees (see **Table** below) have to be taken together and then allocated proportionately to each political group so far as is possible.
- (d) Subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group.

3.5 Following the elections on 5 May 2022, the two main political groups in the Council remain as the Labour Group and the Conservative Group. The Council also has two Green Party members and one Liberal Democrat member. There remains one vacancy on the Council as the Executive Mayor was also elected as a councillor. A by-election for this vacancy will be held next month.

3.6 Thereafter, it is likely that another political balance review will need to be undertaken, which may result in a different allocation of seats at the meeting of the full Council in July 2022.

3.7 The political balance calculations for the purposes of the Annual Council Meeting are therefore based on 70 Members (69 Councillors plus the Executive Mayor).

3.8 The Constitution, as recently changed with the approval of Full Council in March 2022, states that the Executive Mayor: “if a member of a political group will be taken into account when calculating seat allocations on Committees and Sub-Committees of which they are a member ...”.

3.9 Accordingly, political balance calculations will be based on the following split:

Labour: 34/70 = 48.6%
 Conservative: 33/70 = 47.1%
 Green: 2/70 = 2.9%
 Liberal Democrat: 1/70 = 1.4%

3.10 Principle (c) refers to “ordinary committees” which, under the 1989 Act, means those committees appointed under Section 102(1)(a) of the Local Government Act 1972. These committees are listed in the **Table** below as well as proposed committee sizes and seat allocations. Provided that the prescribed number of seats are allocated based on statutory entitlement, ultimately, it is for Members to decide which political group is allocated seats on which particular committee.

Committee	Size	Lab 48.6%	Cons 47.1%	Green 2.9%	Lib Dem 1.4%
Appointments and Disciplinary	6	3	3		
Appeals *	6	3	3		
Audit and Governance**	6	3	2		1
Ethics	6	2	3	1	
General Purposes	8	4	4		
Licensing	12	6	5	1	
Civic Mayoralty and Honorary Freedom Selection	6	3	3		
Pension****	8	4	4		
Planning	10	5	5		
TOTAL	68	33 (33.01)	32 (32.01)	2 (1.97)	1 (0.95)

* Members who shall not be members of Appointments and Disciplinary Committee but **must** include at least one member of the Executive.

** Membership includes one independent, suitably qualified Chair who may not be a member or officer of the Council. The membership also comprises one independent, suitably qualified co-optee.

*** Membership includes one Staff Side non-voting co-opted member and two Pensioner Side co-opted Members (one voting co-opted member and one non-voting co-opted member).

3.11 The above **Table** sets out the allocation of the 68 seats to be allocated to the Members of the Council (including the Executive Mayor). It is subject to Members

agreeing that the size of the Appeals Committee and the Civic Mayoralty and Honorary Freedom Selection be increased by 1 seat each.

- 3.12 If such an increase is approved, Members are asked to authorise the Monitoring Officer to amend the Constitution accordingly.
- 3.13 The Licensing Committee is included because it is established as an ordinary committee of the Council and, at the same time, as the Council's mandatory committee under the Licensing Act 2003. In other words, it is a hybrid committee which discharges all the Council's licensing functions at Member level.
- 3.14 Applying the political balance rules, the 3 political groups of the Council are entitled to 67 of the ordinary 68 seats and the remaining seat has to be given to the Liberal Democratic Member under section 16(2A) of the 1989 Act as amended by the regulations already referred to.
- 3.15 Principles (a), (b) and (d) apply to a "body" to which the Council makes appointments. The 1989 Act provides that the bodies to which this principle applies include ordinary committees (see **Table** above), ordinary sub-committees, advisory committees and sub-committees and certain joint committees where at least 3 seats are filled by appointments made by the Council.
- 3.16 Principle (c) does not apply to the Scrutiny and Overview Committee but the other principles do which means that the Labour and Conservative groups are entitled to an allocation of 3 seats each. This reflects the membership of the Council so far as is possible based on the size of the committee.
- 3.17 The law does allow councils to depart from the political balance rules but only if notice of proposals to adopt alternative arrangements is given in the summons to attend the meeting and, at the meeting, no member votes against them. No such notice is included in the summons to this meeting and therefore that option is not available to Members.
- 3.18 As soon as possible after Full Council has changed the membership of committees following a review of the representation of different political groups on committees (as set out above), committees who have sub-committees are required in turn to review political balance, allocate seats and make appointments in accordance with the wishes of political groups in respect of their own sub-committees.
- 3.19 In the past, the allocation of seats and appointment of Members to the sub-committees of the Scrutiny and Overview Committee has been dealt with at the Annual Council Meeting itself. Technically, this must be done at a meeting of the Scrutiny and Overview Committee. This year, on the rise of Annual Council, a short single item meeting of the Scrutiny and Overview Committee will be arranged so that it can fulfil its statutory political balance duties.
- 3.20 The political balance rules do not apply to the Health and Well-being Board.
- 3.21 The Local Pension Board is constituted under the Public Service Pensions Act 2013 and the Local Government Pensions Scheme (Amendment) Regulations 2015. It is not a committee of the Council and the proportionality rules do not apply to the Board which has three employer representatives and three employee representatives and

an Independent non-voting Chair. One of the Employer representatives is a Councillor. The other employer representatives are employers who are Admitted Bodies.

6. LEGAL IMPLICATIONS

- 6.1 The law relevant to the decisions to be made by Members is explained and applied in the body of report.
- 6.2 By sections 101 and 102 of the Local Government Act 1972 the Council has the power to arrange for its functions to be discharged in a number of different ways. These include by appointing committees.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERAITONS

- 7.1. There are no direct financial implications arising from this report.

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APPENDICES:

None

BACKGROUND DOCUMENTS:

None