
Subject:	REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS
Meeting and Date:	COUNCIL – 18 MAY 2016
Report of:	JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF GOVERNANCE
Classification:	UNRESTRICTED

Purpose of the report: The prompt and correct allocation of committee seats is vital to maintaining an effective and transparent governance framework.

- Recommendation:** *That it be recommended to Council:*
- (a) *That the report setting out the recommended allocation of seats to political groups be adopted.*
 - (b) *That the Dover Joint Transportation Board and the two Overview and Scrutiny Committees be considered as Ordinary Committees for the purposes of calculating the allocation of seats for political groups.*
 - (c) *That the Council appoints its Committees with the sizes and allocation of seats between political groups as set out in Appendix 1 of the report, and invites the Group Leaders to make nominations to fill the seats on these Committees.*
 - (d) *That the Council appoints a Licensing Committee with 15 seats and, whilst noting that the duty to ensure political proportionality does not apply, resolves that the Licensing Committee should reflect the proportionality of the Council.*
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1. **Summary**

A review of the allocation of seats to political groups is required at, or as soon as practicable after, each Annual Meeting of the Council in accordance with the provisions of the Local Government and Housing Act 1989.

2. **Introduction and Background**

2.1 The political composition of the Council is 25 Conservative, 17 Labour and 3 United Kingdom Independence Party (UKIP). To be counted as a political group for the purposes of the political balance rules a party is required to have at least two members and have formally notified the authority that it is a political group. All three political groups on the Council have done this.

2.2 Section 15 of the Local Government and Housing Act 1989 (specifically subsections (3) to (5)) prescribes the Council's duty to determine the allocation of seats which states the basic principles of seat allocation.

2.3 In summary, these principles of determination are that:

- (a) All the seats are not allocated to the same group;

- (b) The majority of the seats go to the group (if any) which has an overall majority on the Council (i.e. 23 or more seats);
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary committees allocated to each group bears the same proportion to the proportion on the full Council; and
- (d) Subject to (a) and (c), that the number of seats on each ordinary Committee and each Sub-Committee allocated to each group bears the same proportion to the proportion on the full Council.

Variations to Political Balance Principles

- 2.4 Prior to the allocation of seats, the Council may make variations to the principles of political balance in cases where a decision is taken to do so with no members voting against it.
- 2.5 If a political group fails to express its wishes within a period of three weeks of being notified of its allocation (which shall be taken as commencing from 18 May 2016, the date of the Council meeting where this report is considered), the Council at its first meeting after this period may make such appointment as it sees fit by majority vote regardless of the principles of political balance.

Definition of Ordinary Committees

- 2.6 The total number of seats on ordinary Committees of the Council is 65 seats if the Dover Joint Transportation Board and the two Overview and Scrutiny Committees are treated as an ordinary committee (as they have been historically) for the purposes of seat allocation.
- 2.7 It is necessary to treat the Dover Joint Transportation Board and the Overview and Scrutiny Committees as a "different provision ... approved by the authority" (Section 17 Local Government and Housing Act 1989) for the purposes of this report. If any Member of the authority votes against recommendation (b) of this report, the two Overview and Scrutiny Committees and the Dover Joint Transportation Board will be excluded from the list of ordinary Committees and the allocation recalculated without it.
- 2.8 For the purposes of this report it should be remembered that it is only the 7 district council seats on the Dover Joint Transportation Board that are included in the political balance calculations. The 7 Kent County Council seats (4 Labour, 3 Conservative as of 2 May 2013) are not included in any of the calculations.
- 2.9 It is the view of the Solicitor to the Council that Section 21 (11) of the Local Government Act 2000 (under which Scrutiny Committees are appointed), makes the Scrutiny Committees 'bodies' to which the political balance rules apply. However, what it does not do is to make them 'ordinary Committees' for the purposes of the political balance rules.
- 2.10 The preferred approach is include the Dover Joint Transportation Board and the 2 Overview and Scrutiny Committees as ordinary committees of the council as it codifies the approach that has traditionally been taken to the determination of seats on ordinary committees.

Allocation of Seats – Ordinary Committees

- 2.11 The process for allocating seats is set out in detail in the appendix to this report and in summary form below.
- 2.12 The first stage in the process is to calculate the proportional entitlement to seats of each political group based on the overall political composition of the council. The Conservative Group has 25 Councillors (55.5556% of the total number of councillors), the Labour Group has 17 Councillors (37.7778%) and the UKIP Group has 3 Councillors (6.6667%).
- 2.13 There are a total of 65 seats on Ordinary Committees of the Council to be allocated. Based on the percentage allocation in paragraph 2.12, this allocated to the Conservative Group an overall entitlement to 36.1111 seats (rounded to nearest whole number, 36 seats), to the Labour Group an entitlement of 24.5556 seats (rounded to nearest whole number 25 seats) and to UKIP an entitlement of 4.3333 seats (rounded to the nearest whole number, 4 seats), out of a total of 65 available seats on Ordinary Committees.

Table 1: Proportional Entitlement to Seats Based on Political Composition of Council

Party	Councillors	Percentage	Committee Seats		
Conservatives	25	55.5556%	36.1111	Equal to	36
Labour	17	37.7778%	24.5556	Equal to	25
UKIP	3	6.6667%	4.3333	Equal to	4
TOTAL	45	100.00%			65

- 2.14 The second stage in the process is to allocate the seats based on the proportional entitlement for each committee based on the four principles set out in paragraph 2.3, the calculations for which are set out in greater detail in Annex 1 of this report.
- 2.15 The initial application of the four principles of proportionality allocated 67 of the 65 Ordinary Committee seats (38 Conservative, 26 Labour and 3 UKIP), leaving an adjustment required of -2 Conservative, -1 Labour and +1 UKIP to meet the overall seat entitlement (set out in table 1) as a proportion of the Council.
- 2.16 In terms of Ordinary Committees, the initial allocation over-allocated by 1 seat on each of the Scrutiny (Policy and Performance) Committee, the Scrutiny (Community and Regeneration) Committee and the Planning Committee while under-allocating by 1 seat on the Governance Committee
- 2.17 In order to achieve the required overall proportional entitlement it is proposed that the adjustments set out in Annex 1, and repeated below, be made. The Conservative Group has the smallest number on whole number rounding (.5556 as opposed to .7778 for the Labour Group and .6667 for the UKIP Group) for the 3 Ordinary Committees with 10 members and by relinquishing 2 seats will achieve the correct overall proportional entitlement. As a key function of the Scrutiny Committees is to hold the controlling group Executive to account it is proposed that the 2 seat adjustment for the Conservative Group be made to the two scrutiny committees (1 seat on each committee).
- 2.18 In keeping with the principles of proportionality set out in paragraph 2.3, the remaining adjustments are made to the Planning Committee (-1 Labour Seat) and

the Governance Committee (+1 UKIP Seat). This ensures that the four committees that were under/over-allocated are now balanced in such a way that each group holds the correct number of seats overall while still ensuring a broad balance across committees in line with the overall proportional entitlement.

Table 2: Adjustment to Ordinary Committee Seats to meet overall Proportional Entitlement

Committee	CON	LAB	UKIP	Initial Committee Allocation	Actual Committee Seats	Adjustment(in brackets)
Scrutiny (Policy & Performance)	6 (5)	4	1	11	10	(-1 CON)
Scrutiny (Community & Regeneration)	6 (5)	4	1	11	10	(-1 CON)
Planning Committee	6	4 (3)	1	11	10	(-1 LAB)
Governance Committee	3	2	0 (1)	5	6	(+1 UKIP)

- 2.19 Further details of how these seats are assigned can be found in Appendix A of this report.

Allocation of Seats – Non-Ordinary Committees

- 2.20 In addition to the ordinary Committees of the Council, there are four non-ordinary Committees of the Council. Although these are not bound by the same requirements for political balance as the ordinary Committees it should be noted that they have historically been allocated on that principle where possible.
- 2.21 The non-Ordinary Committees allocated on the basis of political balance are the Licensing Committee, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.
- 2.22 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. The current arrangement of fifteen members allows the Licensing Committee to appoint five broadly area-based sub-committees to conduct hearings and has functioned effectively since its introduction in 2003. An important reason for having 5 area-based sub-committees is that Members as a matter of convention do not sit on Licensing Sub-Committees considering applications relating to their wards. Accordingly, this report recommends the continued appointment of 15 councillors to the Licensing Committee.
- 2.23 The Licensing Committee is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality, although this principle has voluntarily been applied in allocating the seats at the annual Council meetings held since May 2006. It is however at the discretion of the Council to set the size of the Licensing Committee and the allocation of seats, subject to the restriction mentioned above.

Allocation of Seats – Executive Committees

- 2.24 The allocation of seats on the Executive and Executive Committees is a matter for the Cabinet and not covered by this report.

Allocation of Seats - South Kent Coast Health and Wellbeing Board

- 2.25 The South Kent Coast Health and Wellbeing Board is a sub-committee of Kent County Council's Health and Wellbeing Board, although the operation of the Board is administered by Dover District Council's Democratic Support team. As such the two Dover District Council members appointed to it are outside the scope of this report.

Allocation of Seats – East Kent Shared Services Committee

- 2.26 The terms of reference of the fourth non-Ordinary Committee, East Kent Shared Services Committee, specify that its membership must be composed of the Leader and Deputy Leader of the Council. As less than three members are appointed by the Council, it is not required to be politically balanced.

3. Identification of Options

- 3.1 Option 1 – To adopt the recommendations as set out in this report.
- 3.2 Option 2 – To not adopt the recommendations set out in the report and make an alternative proposal within the statutory framework.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as this would maintain the current arrangements with minor alterations.
- 4.2 Option 2 is not the preferred option as the allocation of seats set out in the report represents the best method of fulfilling the principles set out in paragraph 2.3 of the report. In the event that the Council wishes to make variations to the allocation that are contrary to the principles of political balance it would require the unanimous approval of Council (as per paragraphs 2.4 – 2.5).

5. Resource Implications

- 5.1 None.

6. Appendices

Appendix 1 – Summary of the Proposed Allocation of Seats (65 Ordinary Seats)

7. Background Papers

Localism Act 2011
Local Government Act 1972
Local Government and Housing Act 1989
Local Government Act 2000
Licensing Act 2003
The Licensing Act 2003 (Hearings) Regulations 2005
Local Government and Public Involvement in Health Act 2007

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