

Subject:	REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS
Meeting and Date:	Annual Council – 22 May 2013
Joint Report of:	Nadeem Aziz, Chief Executive and David Randall, 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: <ul style="list-style-type: none"> (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 change of the Standards Committee in-year from a non-ordinary committee to an ordinary committee and the effect this has on the overall political balance be noted. (d) 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. (e) 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.

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 26 Conservative and 19 Labour. 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.

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 22 May 2012, 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.

In-Year Changes to Political Balance 2012-13

- 2.11 Since the last calculation of political balance on 16 May 2012 there have been two changes to committees that affect the seat allocation calculations for ordinary committees of the Council. These relate to the East Kent (Joint Scrutiny) Committee and the Standards Committee.
- 2.12 The East Kent (Joint Scrutiny) Committee was previously considered an Ordinary Committee under Section 15 of the Local Government and Housing Act 1989 as it was a “board or committee appointed by one or more relevant authorities” which was also a body to which at least three seats are filled by the authority. However, this committee was dissolved by the five participating authorities with effect from 1 October 2012.
- 2.13 The Standards Committee was previously exempt from the political balance calculations by law (when the seat allocation was last undertaken in May 2012) and was considered a non-ordinary committee for the purposes of the 16 May 2012 report. However, changes contained within the Localism Act 2011 which came into effect from 1 July 2012 changed this situation and a new Standards Committee was formed under the Local Government Act 1972 arrangements by the Council. This new Standards Committee comprised of 7 members of the authority is subject to the political balance requirements.
- 2.14 The net effect of these changes is to increase the number of Ordinary Committee seats by 4 from 61 to 65.
- 2.15 A by-election was held on 2 May 2013 for the Maxton, Elms Vale and Priory ward following the death of Councillor D G Smallwood. The resulting by-election saw no alteration to the overall political balance of the council with a Labour Member, Councillor Peter Wallace, being returned to the seat.

Allocation of Seats – Ordinary Committees

- 2.16 The process for allocating seats is set out in detail in the appendix to this report and in summary form below.
- 2.17 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. This allocated to the Conservative Group an overall entitlement to 37.5556 seats (rounded to nearest whole number, 38 seats) and to the Labour Group an entitlement of 27.4444 seats (rounded to nearest whole number 27 seats), out of a total of 65 available seats on Ordinary Committees.
- 2.18 The second stage in the process is to allocate the seats based on the proportional entitlement for each committee, the calculations for which are set out in greater detail in Annex 1 of this report. This allocated 65 of the 65 available seats for Ordinary Committees.
- 2.19 Unlike in May 2012 where, on an allocation of 61 seats, an adjustment of one seat from the majority to the minority group was made on the Scrutiny (Community and Regeneration) Committee to preserve the overall proportional entitlement there is no over-allocation of seats to any political group this year (on 65 seats), and it is

therefore not proposed that any adjustments be made to the initial proportional entitlement.

- 2.20 The allocation of 65 seats proposed in the annex to this report is consistent with the overall proportional entitlement to seats for each political group based on the overall political composition of the council and consistent with the principles set out in paragraph 2.3 of this report.

Allocation of Seats – Non-Ordinary Committees

- 2.21 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. The four non-ordinary Committees are the Licensing Committee, the East Kent (Joint Arrangements) Committee, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.
- 2.22 The terms of reference of the East Kent (Joint Arrangements) Committee specify that its membership is composed of the Leader and Deputy Leader of the Council. As long as three members are appointed by the Council, it is not required to be politically balanced.
- 2.23 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. 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 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 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 it is administered by Dover District Council. As such the two Dover District Council members appointed to it are outside the scope of this report.

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.

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

Local Government and Public Involvement in Health Act 2007

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