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**Subject:** REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS

**Meeting and Date:** COUNCIL – 24 JULY 2019

**Report of:** JOINT REPORT OF THE CHIEF EXECUTIVE AND MONITORING OFFICER

**Classification:** UNRESTRICTED

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**Purpose of the report:** To allocate the seats on the committees of the Council to the different political groups and to appoint members to those committees in accordance with the allocation.

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**Recommendation:** Depending on the changes to the committee structure that are made, if any, the following options are open to the Council:

Option 1: (a) No action is required.

Option 2: (a) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on a single Overview and Scrutiny Committee of 10 Members.

(b) That the Council make appointments to the positions of Chairman and Vice-Chairman for Overview and Scrutiny Committee.

Option 3: (a) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on those non-ordinary committees of the Council that have been changed since the last determination on 17 May 2019.

Option 4: (a) That the Council appoint to the ordinary committees agreed at Agenda Item 7 (Review of Committee Arrangements).

(b) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on the ordinary committees of the Council and the other bodies to which it makes appointments.\*

(c) That the Council appoints to the seats on the ordinary committees to give effect to the allocations and the nomination of the political groups and appoints to the other bodies to which it makes appointments.

(d) That the Council make appointments to the positions of Chairman and Vice-Chairman for each of the ordinary committees of the council and the overview and scrutiny committee(s).

*\* If making a determination otherwise than in accordance with the strict principles of political balance the Council would need to formally approve the preferred method of determination and allocation as 'alternative arrangements' in*

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*accordance with Section 17(1) Local Government and Housing Act 1989 and Regulation 20 Local Government (Committees and Political Groups) Regulations 1990. To be effective no member of the Council must vote against the proposal.*

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**1. Summary**

- 1.1 The prompt and correct allocation of committee seats is vital to maintaining an effective and transparent governance framework.

**2. Background and Introduction**

- 2.1 The Council at its meeting held on 17 May 2019 requested that officers review the committee structure following the reduction in the size of the Council from 45 to 32 members. That report was considered by the Governance Committee at its meeting held on 27 June 2019 and is to be considered at the meeting of the full Council to be held on 24 July 2019.
- 2.2 In the event that at the meeting of full Council held on 24 July 2019 changes are made to the committee structure and/or number of members on committees the Council will be required to undertake a re-calculation of part or the whole allocation of seats to political groups depending on the nature of the change. In the event that no changes are made, the Council will not be required to take any action in respect of the allocation of seats.

**Ordinary and Non-Ordinary Committees**

- 2.3 The Council appoints to two categories of body – ordinary committees and non-ordinary committees. Depending on the nature of the changes made by Council to the committee structure there will be different requirements in respect of the allocation of seats to political groups.
- 2.4 For information, the ordinary committees of the Council are the Electoral Matters Committee, General Purposes Committee, Governance Committee, Planning Committee and the Regulatory Committee. The political balance requirements apply to all these bodies and a change to the number of seats on any of these bodies would require the allocation of seats for all of these committees to be recalculated.
- The non-ordinary committees are the Licensing Committee, Overview and Scrutiny Committees, Dover Joint Transportation Board, the Joint Staff Consultative Forum, the Joint Health Safety and Welfare Consultative Forum and the East Kent Services Committee. The allocation of seats to each of these bodies is undertaken on an individual basis and although not strictly required in all cases political balance is applied in the calculation of seats with the exception of East Kent Services Committee which appoints less than three members and is a joint body between the three East Kent authorities with a defined membership (of two executive members where an authority operates executive arrangements) in its terms of reference.
- 2.5 It should also be noted that the pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. It has been the practice of the Council to appoint to this Committee in accordance with the principles of political balance although this is not required by law.
- 2.6 The principles of political balance are set out in Appendix 1.

### **3. Identification of Options**

- 3.1 The Council has four options open to it following on from the review of the Council's committee structure. These are dependent on the nature of the changes that Council makes to the committee structure.

#### Option 1 – No Change

- 3.2 In the event that no changes are made to the existing committee structure, then the Council is not required to remake the allocation of seats to political groups and no further action needs to be taken.

#### Option 2 – The Council adopts the Governance Committee Recommendations in Relation to the Scrutiny Committees.

- 3.3 The Governance Committee at its meeting held on 27 June 2019 made recommendations that the current committee structure remain unaltered with the exception of the abolition of the current two scrutiny committee model in favour of a single Overview and Scrutiny Committee of 10 Members.
- 3.4 Although the council's scrutiny committees are considered to be 'bodies' to which the political balance rules apply they are not 'ordinary committees' for the purposes of the political balance rules. In the event that the recommendations of the Governance Committee are agreed by the full Council the only determination that would need to be made as a result would be the allocation of seats to the new Overview and Scrutiny Committee in accordance with political balance.
- 3.5 Any variation to the principles of political balance would require the approval of Council to agree the variation(s) without any member of the Council voting against. If the allocation of seats is made in accordance with the principles of political balance it does not require an unopposed vote.
- 3.6 The option for the allocation of seats to political groups for a single Overview and Scrutiny Committee of 10 members in accordance with the recommendations of the Governance Committee is set out in Appendix 2.

#### Option 3 – The Council Makes Changes to Non-Ordinary Committees of the Council Only (in addition to or instead of changes to the Overview and Scrutiny Committee(s))

- 3.7 As the allocation of seats on non-ordinary committees of the Council is made on an individual basis, such changes would not require the review of the overall allocation of seats, just a review of each specific committee. This option would only be required if changes were made additional to or instead of that recommended by the Governance Committee.
- 3.8 Although the Council does not have to appoint to these bodies on the basis of political balance it has historically done so. The allocation of seats to these committees only has to be agreed

#### Option 4 – To conduct a full review of the allocation of seats to political groups

- 3.9 This option is only required in the event that changes are made to both ordinary and non-ordinary committees of the council.

### **4. Evaluation of Options**

- 4.1 Option 1 is only required if no changes were made to the committee structure or the number of seats on committees.
- 4.2 Option 2 is required if the Governance Committee recommendations are adopted. This is the most straightforward of the options for change as it does not require the recalculation of political balance to ordinary committees or the majority of non-ordinary committees of the Council.
- 4.3 Option 3 does not affect the calculation of seats to ordinary committees of the Council and has a limited number of permutations. If this option is to be moved Members are asked to speak to Democratic Services in advance of the meeting so that the necessary calculations in respect of seat allocation can be undertaken.
- 4.4 Option 4 has a considerable number of different permutations depending on the nature of the changes made by Council. As officers would need time to undertake the necessary political balance calculations, if this option is to be moved Members are asked to speak to Democratic Services in advance of the meeting so that the necessary calculations in respect of seat allocation can be undertaken.

5. **Resource Implications**

- 7.1 None.

6. **Appendices**

Appendix 1 – Principles of Political Balance

Appendix 2 – Governance Committee Recommendations

7. **Background Papers**

Localism Act 2011

Local Government Act 1972

Local Government and Housing Act 1989

The Local Government (Committees and Political Groups) Regulations 1990

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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