

## Principles of Political Balance

### 1. Review of Allocation of Seats to Political Groups

- 1.1 The political composition of the Council is currently 19 Conservative Group members, 12 Labour Group members and 1 'independent' member who is not a member of either of the political groups on the Council. In this report the member who is not a member of a political group is referred to as a "non-aligned member".
- 1.2 To be recognised as a political group, the group is required to have at least two members and to have formally notified the authority that those members wish to be treated as a political group. Members in a political group on the Council are not required to be in the same political party to form a political group. The Conservative and Labour Groups have notified the Proper Officer they have formed political groups and meet the previously mentioned requirements of a political group.
- 1.3 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.
- 1.4 In summary, these principles of determination are:
- (a) That not all of the seats are allocated to the same political group;
  - (b) 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 authority's membership;
  - (c) Subject to the above two principles, that the number of seats on ordinary committees which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the Council as is borne by the number of members of that group to the membership of the authority; and
  - (d) Subject to (a) to (c), that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

### Section 15(3) of the Local Government and Housing Act 1989

- 1.5 The determination of seats on the Council has been undertaken in accordance with the principles set out in Section 15(3) of the Act, which states as follows:
- "15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be the duty of that authority or committee, as soon as practicable after the review, to determine the allocation to the different political groups into which the members of the authority are divided of all the seats which fall to be filled by appointments made from time to time by that authority or committee."
- 1.6 However, where the Council has members who are non-aligned, this section is amended by regulation 16 of the Regulations to read as follows:
- "15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be **the duty of that authority or committee, as soon as practicable after the review to determine the allocation to each of those groups of such of the seats**

***which fall to be filled by appointments made from time to time by that authority or committee as bear to the total of all of those seats the same proportion as is borne by the number of members of that group to the membership of the authority.***

- 1.7 Additionally, where there are non-aligned members, section 16(2A) of the Local Government and Housing Act 1989 has effect. This provides:

*“Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group”*

- 1.8 The implications of these changes to paragraph 15(3) taken with section 16(2A) is to require that the Council must allocate seats to the political parties in accordance with the four principles set out above. If there are any seats left over, they must then make appointments to the non-aligned groups.

## **2. Variations to Political Balance Principles**

- 2.1 Prior to the allocation of seats, the Council may approve alternative arrangements for making appointments if it resolves to do so without any member voting against them.

## **3. Failure of a Political Group to Appoint to its Allocation**

- 3.1 If a political group fail to express their wishes within a period of three weeks of being notified of its allocation (which shall be taken as commencing from 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.

## **4. Definition of Ordinary Committees**

- 4.1 The following are a list of the ordinary committees of the Council:

- Electoral Matters Committee
- General Purposes Committee
- Governance Committee
- Planning Committee
- Regulatory Committee

- 4.2 The total number of seats on the ordinary committees of the Council is 32 seats.

### **Non-Ordinary Committees**

- 4.3 In addition to the above ordinary committees, the Council also appoints seats on the Dover Joint Transportation Board (district council seats only) and to at least one Overview and Scrutiny Committee.

- 4.4 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. What it does not do is to make them automatically 'ordinary committees' for the purposes of the political balance rules.

## **5. Allocation of Seats – Other Bodies**

- 5.1 In addition to the ordinary committees of the Council (and those treated as such), there are three other bodies of the Council. Although these are not bound by the

same requirements for political balance as the ordinary committees it should be noted that seats on the individual bodies have historically been allocated separately on the basis of political balance.

- 5.2 The bodies are the Licensing Committee, the Dover Joint Transportation Board, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.

#### **Allocation of Seats – Licensing Committee**

- 5.3 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.
- 5.4 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 – Joint Staff Consultative Forum and the Joint Health, Safety and Welfare forum**

- 5.5 In accordance with s.15(6) of the Local Government and Housing Act 1989, a seat on an advisory committee shall not be treated as being subject to the political balance requirements unless the authority have determined that it must be so filled. However, the Council has historically voluntarily applied the principles of proportionality in allocating seats to these fora.

#### **Allocation of Seats – Executive Committees**

- 5.6 The allocation of seats on the Executive and Executive Committees is a matter for the Cabinet and is outside the scope of this report.

#### **Allocation of Seats – Dover Joint Transportation Board**

- 5.7 The Dover Joint Transportation Board is not an 'ordinary committee' for the purposes of seat allocation.

#### **Allocation of Seats – East Kent Services Committee**

- 4.7 The terms of reference of the East Kent 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.