
Representation of Political Groups on District Council Panels, etc

Report by the Head of Administration

1. INTRODUCTION

- 1.1 The Local Government and Housing Act 1989 and associated Regulations describe arrangements for achieving a balance on Panels etc, to reflect the representation of political groups and independent Members on the District Council. The Act requires the District Council to review the representation of different political groups at the time when the Authority holds its Annual Meeting.

2. PRINCIPLES OF PROPORTIONALITY

- 2.1 In performing the duty to review representation, the Council must, so far as reasonably practicable, only determine the allocation of seats having regard to the following principles -

- ◆ that not all the seats are allocated to the same political group;
- ◆ that the majority of seats are allocated to the political group which forms a majority of the Council's membership; and
- ◆ that the number of seats allocated is in the same proportion as is borne by the number of Members of a political group to the membership of the Council.

- 2.2 Currently it is open to the Council to approve alternative arrangements otherwise than in accordance with the principles of proportionality providing that the alternative arrangements are approved without any Member voting against them.

3. CONSTITUTION OF POLITICAL GROUPS

- 3.1 Following the District Council's elections held on 3rd May 2007 and the by-election in the Elton and Folksworth Ward it is anticipated that the political groups will be constituted as follows:-

Name of Group	No. of Members
Conservative	39
Liberal Democrat	11

There are two Members of the Council who are not aligned to a political group.

3.2 The membership of groups in proportion to the total membership of the Council is therefore as follows:-

	%
Conservative	75
Liberal Democrat	21.6

Independent Members represent 3.84% of the membership of the Council.

4. LOCAL GOVERNMENT ACT 2000

4.1 Members are reminded that under the Local Government Act 2000, the proportionality requirements do not apply to the Cabinet and the Standards Committee nor to any Sub-Groups or Sub-Committees, etc which either of them may appoint. It is therefore open to the Council to determine the membership of those bodies, irrespective of the composition of political groups and their membership. However, the Standards Board for England believes that Standards Committees should include appropriate political representation which has the support of all political parties.

4.2 The following requirements of the Act also need to be adhered to by the Council in determining the membership of Panels, etc -

- ◆ the Cabinet may not include either the Chairman or Vice-Chairman of the Council;
- ◆ Overview and Scrutiny Panels may not comprise any Member of the Cabinet;
- ◆ the Standards Committee may not include the Leader and may not be chaired by a Cabinet Member; and
- ◆ the Leader, Deputy Leader and any Member of the Cabinet shall not be elected as Chairman of any Committee or Panel other than any that may be appointed by the Cabinet.

4.3 The Constitution also provides for the Development Control Panel, Licensing and Protection Panel, the Employment Panel and the Licensing Committee to include the relevant Executive Councillor within their respective membership. Every Member of the Council shall be appointed to serve on a minimum of one Overview and Scrutiny Panel, Committee or Panel of the Council or the Cabinet.

5. PROPORTIONALITY

5.1 Excluding the Cabinet and Standards Committee and with the increase in the number of Members to serve on the Overview and Scrutiny Panels, the aggregate number of seats on Panels is now 80. Using the proportionality percentage referred to in paragraph 3.2 and rounding up or down as appropriate, produces the following entitlement -

Seats

Conservative Group	60
Liberal Democrat Group	17
Independent Members	3

5.2 Applying the principles of the Act and, similarly, rounding the figures as necessary, gives the following distribution:-

	No. of Seats	Cons	Lib Dem	Indep
Corporate Governance Panel	7	5	2	0
Development Control Panel	16	12	3	1
Elections Panel	7	5	2	0
Employment Panel	8	6	2	0
Licensing & Protection Panel/Committee	12	10	2	0
Overview and Scrutiny Panel (Service Delivery)	15	11	3	1
Overview and Scrutiny Panel (Service Support)	15	11	3	1
Total	80	60	17	3

(NB: For the purposes of the calculation, the Licensing and Protection Panel and Licensing Committee are to be treated as one.) Similarly, the membership of the Overview and Scrutiny Panel (Corporate Strategy Framework) will be politically balanced using the above formula but its membership has not been used in the calculation of the total number of seats to be distributed as the membership is drawn from the Overview and Scrutiny (Service Support and Delivery) Panels.

5.3 The principles of proportionality apply similarly to advisory/sub-groups appointed or nominated by panels and regard must be given to the following examples of entitlements to seats:-

No. of Members on Sub-Group, etc	Proportion of Members from Political Groups		
	Cons	Lib Dem	Indep
3	2	1	0
4	3	1	0
5	4	1	0
6	4	2	0
7	5	2	0
8	6	2	0
9	7	2	0
10	8	2	0

5.4 However, the Cabinet may not delegate any of its functions to non-Cabinet Members. Therefore any Sub-Group of the Cabinet that is exercising any decision-making powers delegated to it by the Cabinet must include only Cabinet Members. This does not prevent any Advisory Group appointed by the Cabinet that has no decision-making powers and whose terms of reference are merely advisory

from including non-Cabinet Members. However, if a Member of an Overview and Scrutiny Panel is appointed to an Advisory Group by the Cabinet, that person will have a prejudicial interest and will be required to leave the room in the event of the Scrutiny Panel of which he or she is a Member scrutinising any decisions or recommendations of that Advisory Group.

- 5.5 It should be noted that the 2000 Act requires the appointment of a minimum of one Cabinet Member to a Joint Committee exercising executive functions. Other Members may be appointed to a Joint Committee and the political balance requirements do not apply although circumstances will vary as to whether those Members can vote on executive decisions.

However in the case of the Leisure Centre Management Committee, only those non-Cabinet Members who represent Wards within the respective catchment areas of the Centres may be appointed and can vote.

6. CONCLUSION

- 6.1 The Council is invited to determine the allocation of seats on District Council Panels to political groups and to the non-aligned Members in accordance with the distribution in paragraph 5.2 above and to note the requirements for appointments to advisory/sub groups etc, in paragraph 5.3. As the proportionality requirements do not apply to the Cabinet and Standards Committee it is for the Council to determine their membership.
- 6.2 The opportunity otherwise is available currently to allocate seats in accordance with an alternative arrangement, provided this arrangement is approved by the Council with no Member voting against.

BACKGROUND PAPERS

Local Government and Housing Act 1989

Local Government Act 2000

District Council Constitution

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