
Representation of Political Groups on District Council Panels, etc

Report by the Head of Legal and Democratic Services

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 elections on 3rd May 2012, the constitution of political groups on the Council is as follows:-

Name of Group	No. of Members
Conservative	38
Liberal Democrat	7
UKIP	3
Labour	1
Vacancy	1

There are two Members of the Council who are not aligned to a political group and one vacancy in the Earith Ward.

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

	%
Conservative	73
Liberal Democrat	13.46
UKIP	5.77
Labour	1.92

The Independent Members represent 3.85% of the membership of the Council. The vacancy equates to 1.92% of the total membership.

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 current Standards Committee nor to any Sub-Groups or Sub-Committees, etc which either of them may appoint. The Council has recently altered arrangements for the appointment of the Cabinet which is now at the discretion of the Executive Leader of the Council. It is open to the Council to determine the membership of the Standards Committee, irrespective of the composition of political groups and their membership. However, the former 'Standards for England' believed that Standards Committees should include appropriate political representation which has the support of all political parties. Although the Localism Act appears to suggest that local authorities will be able to establish Standards Committees, the District Council will not be in a position to consider the future of the Committees until the Act and its associated Regulations are finalised.

- 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 Executive Leader, although it must include one Cabinet Member within its membership. The Committee must be chaired by an Independent person;
- ◆ the Executive Leader, Deputy Executive 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 Management Panel, Licensing and Protection Panel, the Employment Panel and the Licensing Committee to include the relevant Executive Councillor within their respective membership. In the 2009 review of the democratic structure, the membership of the Corporate Governance Panel was changed to include the Executive Councillors whose

portfolios incorporate finance and corporate governance in an ex-officio capacity. With regard to the latter, and as there is no legislative requirement, an Executive Councillor has not been a Member of the Panel since the resignation of Councillor T V Rogers from the Cabinet in September 2011.

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 the aggregate number of seats on Panels remains at 73. Using the proportionality percentage referred to in paragraph 3.2 and rounding up or down as appropriate, produces the following entitlement -

	Seats
Conservative Group	53
Liberal Democrat Group	10
UKIP	4
Independent Members	3
Labour	1*
Vacancy	1*

- 5.2 Applying the principles of the Act and, similarly, rounding the figures as necessary, gives the distribution as set out in the Annex. (**The calculation equates to 1.40 so the allocation of the extra seat will be dependent upon the outcome of the by election in the Earith Ward.*)
- 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	UKIP	Indep.	Lab
3	2	1	0	0	0
4	3	1	0	0	0
5	4	1	0	0	0
6	5	1	0	0	0
7	5	1	1	0	0
8	6	1	1	0	0
9	7	1	1	0	0
10	7	1 or 2*	1 or 0*	1 or 0*	0 or 1*

- 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.

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 illustrated in the attached Appendix 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. The Membership of the Cabinet will be determined by the Executive Leader in accordance with the recent changes to the constitution approved by the Council.
- 6.2 The opportunity otherwise is available currently to allocate seats in accordance with an alternative arrangement, with the exception of the Cabinet, 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

Contact Officer: Christine Deller, Democratic Services Manager
☎ (01480) 388007