
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 and as soon as practicable and over one month after the last review if the Proper Officer receives a request to undertake a further review of the allocation of seats given a change to membership of a political group. Since the last review was undertaken at the Council meeting on 20th February 2013, the Head of Paid Service has received notification from Councillor S M Van de Kerkhove that he wished to resign from the Liberal Democrat Group. The outcome of the by-election at Brampton Ward also will need to be taken into account.

2. PRINCIPLES OF PROPORTIONALITY

- 2.1 Members are reminded that 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 Therefore, following the recent by election in Brampton and change in the membership of the Liberal Democrat Group, the constitution of political groups on the Council is as follows:-

Name of Group	No. of Members
Conservative	37
Liberal Democrat	6
UKIP	3
Labour	1

There are three Members of the Council who are not aligned to a political group and separately, two other Members who are referred to as non aligned conservative.

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

	%
Conservative	71.15
Liberal Democrat	11.53
UKIP	5.76
Labour	1.92

The Independent Members represent 5.76 % of the membership of the Council and similarly the Members who are referred to as non-aligned conservative also represent 3.84% of the Council membership.

4. LOCAL GOVERNMENT ACT 2000

- 4.1 Under the Local Government Act 2000, the proportionality requirements do not apply to the Cabinet or to any Sub-Groups or Sub-Committees, which the Cabinet may appoint. Appointment of the Cabinet also lies with the Executive Leader of the Council. Recent changes to the Constitution and the impact of the Localism Act 2011 on the standards regime have varied and increased to 88, the number of seats to which the Council can appoint.
- 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 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. The Council has previously

appointed the Standards Committee to include one Member of the Executive.

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, the aggregate number of seats on Panels is now 88. Using the proportionality percentage referred to in paragraph 3.2 and rounding up or down as appropriate, produces the following entitlement –

	Seats
Conservative Group	63
Liberal Democrat Group	10
UKIP	5
Independent Members	5
Labour	2
Non aligned conservative	3

- 5.2 Applying the principles of the Act and, similarly, rounding the figures as necessary, gives the distribution as set out in the Annex.
- 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	NAC
3	2	1	0	0	0	0
4	3	1	0	0	0	0
5	4	1	0	0	0	0
6	4	1	1/0	1/0	0	0
7	5	1	1/0	1/0	0	0
8	6	1	1/0	1/0	0	0
9	6	1	1	1	0	0
10	7	1	1	1	0	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.
- 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. The proportionality requirements do not apply to the Cabinet and its membership will be determined by the Executive Leader
- 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
Localism Act 2011
District Council Constitution

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