

# Chichester District Council

Full Council

24 November 2020

## Review of Political Balance

### 1. Contact

#### Report Author

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### 2. Recommendation

#### 2.1. That

- the review of political balance arrangements to be submitted and settled at the meeting be approved; and
- that membership of committees and sub committees be approved by members at the meeting; and
- the calculations set out in this report are applied in making appointments to committees.
- that chairman responsibilities of committees and sub committees be approved by members at the meeting.

### 3. Background

3.1. The council has a duty, under Section 15 of the Local Government and Housing Act 1989 to maintain the representation of different political groups in line with the political balance rules set out in the Act and subordinate regulations. This provides the framework for the appointments to committees. Following the setting up of an Independent Group, the membership of the Council changed and the Council is required to change allocations in line with that change.

### 4. Proposal - the rules and their application

4.1. The composition of the Council is as follows:

Conservatives = 17 (47.26%)  
Liberal Democrats = 10 (27.78%)  
Green = 2 (5.56%)  
Labour = 2 (5.56%)  
Local Alliance = 2 (5.56%)  
Independent Group = 3 (8.4%)

4.2. Many of the seats have to be allocated in accordance with the rules of political balance. The following principles apply so far as reasonably practicable. They are applied in descending order of importance and are quoted in plain English rather than wording taken directly from the statute:

- a) Not all seats on the committee are allocated to the same political group.
- b) The majority party has a majority of the seats on each committee.

- c) Each political group is entitled to its proportion of the total number of seats on all the ordinary committees added together, according to the proportion the group holds of seats on the Full Council.
- d) Subject to (c) each political group is entitled to its proportion of the number of seats on each individual committee.

4.3. If more than one minority group are the same size where their entitlement to seats on a committee is less than one, one or other group should take its entitlement. This means the minority groups may wish to reach agreement between themselves as to which group should take each seat. If they both put forward a nomination the Full Council will determine which nomination should be granted the seat. Members are asked to note that the entitlement to seats cannot be amended by vote - only by voluntary agreement by the party offering to forgo a seat can this occur.

4.4. The four ordinary committees concerned are:

Corporate Governance and Audit Committee	8 seats
Planning Committee	13 seats
Alcohol and Entertainment Licensing Committee and General Licensing Committee	10 seats
Standards Committee	7 seats
Total	38 seats

4.5. The total seats due per group are as follows:

Conservatives	38 x composition 47.26% = 17.95 seats (18)
Liberal Democrats	38 x composition 27.78% = 10.56 seats (11)
Green Party	38 x composition 5.56% = 2.11 seats (2)
Labour	38 x composition 5.56% = 2.11 seats (2)
Local Alliance	38 x composition 5.56% = 2.11 seats (2)
Independent Group	38 x composition 8.4% = 3.19 seats (3)

4.6. If these proportions are applied to individual committees the results are as indicated in Table 1:

Table 1	Con	LD	Green	Labour	Local Alliance	Independent Group
Corporate Governance and Audit Committee (8)	4	2	0*	0*	0*	1
Planning Committee (13)	6	4	1*	1*	1*	1
Alcohol and Entertainment Licensing Committee and General Licensing Committee (10)	5	3	1*	1*	1*	1
Standards Committee (7)	3	2	0	0	0	1
Total	18	11	2*	2*	2*	4*

4.7. The equal entitlement of the Green, Labour and Local Alliance parties means that Council needs to decide upon which of those parties has a seat on Corporate Governance and Audit Committee and the Alcohol and Licensing Committee.

Each of these parties is entitled to seats across the four committees shown above rather than having entitlement to each committee.

- 4.8. Again, the equal entitlement means that the Green, Labour and Local Alliance Parties means that Council needs to decide upon which of them takes the two seats at Planning Committee.
- 4.9. The Independent Group have seats as of right as a proportion of each committee, but this results in them holding four seats so Council needs to decide which Committee they do not hold a position.
- 4.10. The Overview and Scrutiny Committee is not included in the list above but the seats on its still need to be allocated to parties in the proportion of seats that they have on the whole Council as indicated in Table 2 below. In this case there are 2 remaining seats that need to be allocated between the three minority groups.
- 4.11. The Leader will advise Council of her recommendations as to the final make up of all Committees including Overview and Scrutiny at the meeting though other Group Leaders are of course entitled to present alternative proposals to the meeting.

Table 2	Con	LD	Green	Labour	Local Alliance	Independent Group
Overview and Scrutiny Committee (11)	5	3	TBC	TBC	TBC	1

- 4.12. The various committees and panels concerned with discipline and dismissal of senior staff are also not ordinary committees but still need to be allocated to parties in the proportion of seats that they have on the whole Council. In each case in table 3 below there is one seat available for each minority group (Green, Labour or Local Alliance) and one for the Independent Member.

Table 3	Con	LD	Green	Labour	Local Alliance	Independent Group
Investigation and Disciplinary Committee (5+2 subs)	2	1	TBC	TBC	TBC	1
Appeals Committee (5 + 2 subs)	2	1	TBC	TBC	TBC	1
Executive Directors Disciplinary Appeal Panel (3 + 2 subs)	1	1	TBC	TBC	TBC	TBC
Redundancy Appeal Panel (3 + 2 subs)	1	1	TBC	TBC	TBC	TBC

- 4.13. The political groups regulations do not apply to the Cabinet, the Alcohol and Entertainment Licensing Committee established under the Licensing Act 2003 and the Independent/Parish Remuneration Panels.
- 4.14. Generally the Council is obliged to appoint to the committees the members proposed by the respective political groups (section 16 (1) of the Local Government and Housing Act 1989). However, the Council does not have to adhere to the political groups regulations if:

- a) a political group does not use up its allocation (regulations 13 to 15).

- b) notice of alternative proposed allocations is given to all members and no member objects (Section 17 of the Local Government and Housing Act 1989 and regulation 20).
- c) an area committee covers an area or population which is less than 40% of the total and the committee members are drawn from that area (regulation 16A) (this does not apply as the council has no area committees).

## 5. Alternatives Considered

5.1. No alternatives were considered as this is a statutory obligation.

## 6. Resource and Legal Implications

6.1. The normal obligations to hold meetings were suspended by operation of the Coronavirus Act 2020 but the Council remains entitled to make decisions as to committee membership if it so decides and may make those decisions in virtual meetings.

## 7. Consultation

7.1. The Leader has discussed the above with all Group Leaders.

## 8. Community Impact and Corporate Risks

8.1. None.

## 9. Other Implications

<b>Are there any implications for the following?</b>		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b> The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
<b>Climate Change and Biodiversity</b> Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
<b>Human Rights and Equality Impact</b> You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		✓
<b>Safeguarding and Early Help</b> The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed		✓

to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		
<p><b>General Data Protection Regulations (GDPR)</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		✓
<p><b>Health and Wellbeing</b></p> <p>The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.</p>		✓
<b>Other</b> (please specify)		✓

## 10. Appendices

10.1. List of amended Committee Memberships

## 11. Background Papers

11.1. None.