

Chichester District Council

Annual Council

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Review of Political Balance

1. Contact

Report Author

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2. Recommendation

2.1. **That the review of political balance arrangements set out below be noted.**

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.

3.2. The framework is a starting point, members will note that a number of “gifts” of entitlement from one group to another have taken place previously and group leaders have indicated that they continue to wish to have the seats appointed other than exactly in accordance with the statutory framework. For example, whilst technically the Labour Councillor is not in a group and has no entitlement, members have allocated her seats.

4. Proposal - the rules and their application

4.1. The composition of the Council by Group is as follows:

Conservatives = 17 (48.57%)
Liberal Democrats = 11 (31.43%)
Green = 2 (5.71%)
Labour = 1 (0%) as not a group
Local Alliance = 2 (5.71%)
Independent Group = 3 (8.57%)

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. Additionally as Labour have only one seat, they do not form a group for the purposes of these calculations.

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 48.57% = 18.46 seats (19)
Liberal Democrats	38 x composition 31.43% = 11.94 seats (12)
Green Party	38 x composition 5.71% = 2.17 seats (2)
Labour (Not a Group)	38 x composition 0 % = No seats (0)
Local Alliance	38 x composition 5.71% = 2.17 seats (2)
Independent Group	38 x composition 8.57% = 3.26 seats (3)

4.6. If these proportions are applied to individual committees the initial position under the statutory framework are as indicated in Table 1:

Table 1	Con	LD	Green	Labour	Local Alliance	Independent Group
Corporate Governance and Audit Committee (8)	4	3	0*	0	0*	1
Planning Committee (13)	6	4	1*	0	1*	1
Alcohol and Entertainment Licensing Committee and General Licensing Committee (10)	5	3	0* (1)	0	0*	1
Standards Committee (7)	4	2	0	0	0* (1)	0
Total	18	12	2	0	2	(3)

4.7. The equal entitlement of the Green and Local Alliance parties means that Council needs to decide upon which of those parties has a seat on the Alcohol and Licensing Committee. Each of these parties is entitled to two seats across the four committees shown above.

4.8. 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 though additionally the

Conservatives have gifted a seat in their entitlement to the Licensing Committee to the Independent Group member and nominated Chairman, Cllr McAra.

4.9. The Conservatives have an entitlement to 18 seats as a proportion of each committee, but they are entitled to 19 seats in total, so Council needs to decide which additional seat they should have.

4.10. The Overview and Scrutiny Committee is not included in the list above but the seats on it 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. By agreement between the groups these will now be held by the independent and labour parties. It is intended that the Local Alliance party will seek to have an observing position in that Committee as was done last year for the Green Party (which in turn reversed the position in 2020).

4.11. Final membership informally agreed for Overview and Scrutiny is as follows in table 2. Additionally it has been agreed at this committee that a rotating non voting seat with right of attendance be granted as set out in the appendix.

Table 2	Con	LD	Green	Labour	Local Alliance	Independent Group
Overview and Scrutiny Committee (11)	5	3	1	1	Non Voting Rep	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 and 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)	4	2	1	0	0	0
Appeals Committee (5 + 2 subs)	4	2	0	0	0	1
Executive Directors Disciplinary Appeal Panel (3 + 2 subs)	2	1	0	0	1	1
Redundancy Appeal Panel (3 + 2 subs)	2	1	0	1	0	1

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

Are there any implications for the following?		
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
Crime and Disorder 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?		✓
Climate Change and Biodiversity 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).		✓
Human Rights and Equality Impact 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.		✓
Safeguarding and Early Help 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>General Data Protection Regulations (GDPR) 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"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • 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. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		✓
<p>Health and Wellbeing</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>		✓
Other (please specify)		✓

10. Appendices

10.1. None.

11. Background Papers

11.1. None.