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| <b>Report to:</b>               | <b>COUNCIL</b>                                       |
| <b>Relevant Officer:</b>        | Mark Towers, Director of Governance and Partnerships |
| <b>Relevant Cabinet Member:</b> | Councillor Blackburn, Leader of the Council          |
| <b>Date of Meeting:</b>         | 27 June 2018   |

## POLITICAL BALANCE CALCULATIONS

### 1.0 Purpose of the report:

- 1.1 The Council will be asked to consider the political balance and re-appointment of its committees, in accordance with the Council's Constitution and the Local Government Act 1972, due to the creation of an Independent Group.

### 2.0 Recommendation(s):

- 2.1 To appoint the following Council committees, in line with the political balance calculations and adjustments at Appendix 8(a) and to agree that the powers and duties remain as set out in the Council's Constitution:
- Adults Social Care and Health Scrutiny Committee (membership of ten with a composition of six Labour, three Conservative and one independent)
  - Resilient Communities and Children's Scrutiny Committee (membership of ten with a composition of six Labour, three Conservative and one independent)
  - Tourism, Economy and Resources Scrutiny Committee (membership of ten with a composition of six Labour, three Conservative and one independent)
  - Audit Committee (membership of nine with a composition of six Labour and three Conservative)
  - Appeals Committee (membership of seven and with a composition of five Labour and two Conservative)
  - Planning Committee (membership of eight and with a composition of five Labour, two Conservative and one independent)
  - Standards Committee (membership of six and with a composition of four Labour and two Conservative)
  - Chief Officers Employment Committee (membership of six and with a composition of four Labour and two Conservative)
  - Shareholder's Advisory Board (membership of four and with a composition of three Labour and one Conservative)

- 2.2 That in relation to scrutiny, to agree to continue with two diocesan co-opted representatives and the two governor co-opted representatives to the Resilient Communities and Children's Scrutiny Committee and for that committee to confirm the necessary appointments.
- 2.3 That the Licensing Committee also be re-appointed with the powers and duties as set out in the Constitution (membership of fourteen and a composition of nine Labour, four Conservative and one independent).
- 2.4 Subject to (2.3) above, the Licensing Committee be requested to re-appoint the Public Protection Sub-Committee, with the powers and duties, as set out in the Constitution (membership of seven and with a composition of five Labour and two Conservative).
- 2.5 Subject to the approval of the above recommendations, to note the appointment of members to committees as set out in Appendix 8(b) and thereafter any nominations or changes to nominations reported to the Director of Governance and Partnerships by the relevant Group Leader.
- 2.6 Subject to the approval of the above recommendations, to agree to the appointment of the Chairmen and Vice Chairmen for those committees as identified at Appendix 8(b) based on the above recommendations.
- 2.7 To note that the Health and Well Being Board is not affected by the creation of an Independent Group and remains constituted as agreed at Annual Council.
- 2.8 As a new Independent Group has been constituted, then as is normal practice when positions are created which are not already in the Council's Members Allowances Scheme (i.e. Group Leader of a third group) that a referral to the Independent Remuneration Panel be made and a report from that Panel be considered at the next meeting of the Council.
- 2.9 Subject to the approval of the above recommendations, to agree that the Director of Governance and Partnerships be authorised to amend the Constitution accordingly.

**3.0 Reasons for recommendation(s):**

- 3.1 To enable Council business to be transacted by various committees and for the size of the committees to reflect the current political balance of the political groups on the Council. This will also meet statutory requirements.
- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

There are no other options other than a different or varied set of committees; however, the current committees have been appointed by Council in recent years and help transact the business of Council efficiently.

#### **4.0 Council Priority:**

4.1 The re-appointment of Council committees will help the Council achieve all its priorities.

#### **5.0 Background Information**

On 19 June 2018, notice was given to the Director of Governance and Partnerships, as the proper officer for such purposes that a separate Independent Group of two members was being formed (Councillor D Coleman and Councillor G Coleman, with Councillor D Coleman as Leader of the Group). This has prompted a review of the political balance calculations across the Council's committees and this report puts forward to Council those revised calculations.

5.1 **Proposed committees** – the committees and their number of members (as a result of the calculations at Appendix 8(a)) are set out below:

- Tourism, Economy and Resources Scrutiny (ten members)
- Resilient Communities and Children's Scrutiny (ten members plus four co-opted members)
- Adults Social Care and Health Scrutiny (ten members)
- Audit (nine members plus one co-opted independent member)
- Appeals (seven members)
- Planning (eight members)
- Standards (six members)
- Chief Officers Employment (six members)
- Licensing (fourteen members)
- Shareholder's Advisory Board (four members)

5.2 In reviewing the political balance calculations, now there are three groups within the Council, the size of some of the committees has had to be adjusted (in the first instance) to allow for a balance to take place, as indicated at Appendix 8(a). Also for an overall political balance and for the Independent Group to be entitled to their four seats (one per committee) then adjustments have been made at stage four of the process to give the Group a seat on each of the three Scrutiny Committees and the Planning Committee.

- 5.3 Although not subject to political balance rules, it is recommended that the same methodology be applied to the Licensing Committee. However, due to the new political make-up, a committee of fifteen (the largest allowed under the Licensing Act 2003), does not provide a political balance. A smaller committee of fourteen is therefore proposed. This would be made up of nine Labour councillors, four Conservative councillors and one independent councillor.
- 5.4 The Licensing Committee would also need to appoint one permanent sub-committee - Public Protection - which is subject to the political balance rules and therefore has to be included in the aggregated proportionality calculations.
- 5.5 At the last Annual Meeting, the Council appointed a Health and Wellbeing Board. However, there is no change required to the political balance calculations for the appointments to this Board and therefore there is no need to recommend anything to Council.
- 5.6 A full schedule of political balance calculations for all the proposed committees and the permanent sub-committee is attached at Appendix 8(a). These have been allocated by 'political group'. A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two members. This therefore precludes the Council's remaining non-aligned Independent councillors (Councillor Maycock and Councillor I Coleman) from these calculations.
- 5.7 **Appointment of Chairmen** – as there has been a change in the composition and size of committees, there has to be the re-appointment of Chairmen and Vice Chairmen of committees. Appendix 8(b), to be circulated separately, lists the notified names of committee members and proposed chairmanship and vice-chairmanship positions. (The appointment of the Chairmen and Vice Chairmen for the Public Protection Sub-Committee is a matter for the Licensing Committee to deal with).
- 5.8 It is recommended that as has been previous practice:
- the Chairman of the Audit Committee is from the principal opposition group and the Vice Chairman from the majority group.
  - the Chairmen of scrutiny committees are from the majority group and the Vice-Chairmen from the principal opposition group.
  - all other Chairmen and Vice Chairmen positions are proposed from the majority group.

## **List of Appendices:**

Appendix 8(a) - Political balance calculations

Appendix 8(b) - Proposed membership of the Council's committees and the Health and Wellbeing Board (to be circulated separately).

### **6.0 Legal considerations:**

- 6.1 The Local Government and Housing Act 1989 requires the Council to review periodically the political composition of the Authority and how this is applied to appointments to Council bodies. As a new Independent Group has been formed then a review has taken place. The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations, 1990. See:

<http://www.legislation.gov.uk/ukxi/1990/1553/regulation/17/made>

### **7.0 Human Resources considerations:**

- 7.1 There are no Human Resources considerations.

### **8.0 Equalities considerations:**

- 8.1 There are no equalities considerations.

### **9.0 Financial considerations:**

- 9.1 Special responsibility allowances for the proposed Chairman and Vice Chairman are met from the Members Allowances budget.

### **10.0 Risk management considerations:**

- 10.1 Failure to appoint certain committees will hinder the Council in maintaining its statutory duties i.e. consideration of planning applications, hearing of appeals etc.

### **11.0 Ethical considerations:**

- 11.1 There are no ethical considerations.

### **12.0 Internal/ External Consultation undertaken:**

- 12.1 The Leader of the Council, the Leader of the Conservative Group and the Leader of the Independent Group have put forward nominations for their representatives to serve on the recommended committees. This will be shown in Appendix 8(b) and will

be circulated under separate cover.

**13.0 Background papers:**

13.1 There are no additional background papers to this report.