

Council

24 May 2023

Political Representation on the Council's Committees

Report of: David Brown, Director of Governance and Compliance

Report Reference No: C/02/23-24

Ward(s) Affected: All

Purpose of Report

- 1 To report to Council changes in political group membership and to secure a resolution from Council in respect of the political proportionalities of the Council, and committee memberships.

Executive Summary

- 2 The law requires that each relevant Council decision-making body must be politically balanced as far as reasonably practicable, and that there is an appropriate total balance of Committee seats across the political structure of the Council of the whole.
- 3 This report addresses the changes in political group memberships following the Borough Council elections on 4 May 2023.
- 3 At the time of writing this report, discussions had not been concluded with the Council's political groups and any non-grouped independent members. The Council's revised political proportionalities and the allocation of committee places had not therefore been finalised. The Appendix to this report, which will reflect the product of those discussions, will be circulated to all Members, and distributed around the Council Chamber at the Council meeting.
- 4 The report recommendations seek a resolution of Council, as required by legislation.

RECOMMENDATIONS

1. That the Committees, set out in the Appendix to this report, be appointed with the same functions, roles and responsibilities as are currently set out in the Constitution.
2. That the political group and other representation, as set out in the Appendix to this report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted and the allocation of places to Committees be approved.

Background

- 5 The Appendix sets out the political representation on committees, this being based on the political structure of the Council as a whole.
- 6 The proportionalities in the Appendix are based upon the following methods and conventions:
 - applying the relevant percentage to each body
 - rounding up from 0.5 and above, and rounding down below 0.5
 - where rounding up would result in more than one political Group (or non-grouped members) receiving an additional seat, and the total allocation of seats exceeding what is required, the Group (or non-grouped members) having the lowest residual entitlement will not receive an additional seat
 - where the required number of members for a decision-making body cannot be achieved using the above methods and calculations, the political group (or non-grouped members) having the largest residual entitlement for that body will be entitled to be awarded the additional place (e.g. if one group etc is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will be awarded 4 places on the body in question, and the second group will be awarded 2 places)
 - where two or more political Groups (or non-grouped members) have an identical residual percentage, the agreement of one Group etc to sacrifice a seat will be observed. Alternatively, the matter will be resolved by the toss of a coin.

Consultation and Engagement

- 7 In preparation of the Appendix to this report, and insofar as possible, given the proximity of the establishment of the new Council to the date of the Annual General Meeting of Council, officers sought to liaise with the Council's political groups.

Reasons for Recommendations

- 8 To comply with primary legislation, the Local Government and Housing Act 1989 and supporting secondary legislation, Local Government (Committees and Political Groups) Regulations 1990.

Other Options Considered

- 9 Legislation requires the Council's political representation on committees, and its political structure, to be reviewed upon a change in political group membership. Whilst one option might be for the Council to take no action in response to the change in group membership, this is not an option which Council is advised to take.

Implications and Comments

Monitoring Officer/Legal

- 10 The main rules on political proportionality are set out in S. 15(5) Local Government Housing Act 1989, and they are to be applied sequentially. The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make additional provisions in respect of the political group and non-grouped representation on a local authority's committees, in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 11 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- Not all of the seats can be allocated to the same political group (ie there are no single-group committees).
 - The majority of the seats on the body are to be allocated to a political group with a majority membership of the authority.
 - The total number of seats on all ordinary committees and sub committees allocated to each political group bears the same proportion to the proportion on the full Council.
 - The proposals contained in this report meet the requirements of the legislation.
 - The 1990 Regulations require political group leaders to notify the Proper Officer of the groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 12 There are no direct financial implications.

Policy

13 There are no direct implications for policy.

An open and enabling organisation
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Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

14 There are no direct implications for equality.

Human Resources

15 There are no direct human resource implications.

Risk Management

16 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

Rural Communities

17 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

18 There are no direct implications for children and young people/Cared for Children.

Public Health

19 There are no direct implications for public health.

Climate Change

20 There are no direct climate change implications.

Access to Information

Contact Officer:	Brian Reed, Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	Appendix A - Political Proportionalities
Background Papers:	The background papers relating to this report can be inspected by contacting the report writer.