

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 18th May 2011

Report of: Borough Solicitor

Title: **Political Representation on the Council's Committees**

1.0 Purpose of Report

- 1.1 To determine the political representation on the Council's committees.

2.0 Decision Required

- 2.1 That the political group representation, as set out in Appendices 1 and 2 to this report and the methods, calculations and conventions used in arriving at them as outlined in the report be adopted.
- 2.2 That members note that following the election in Crewe South there will be the need for Council to receive a similar report containing the up to date position.

3.0 Legal Implications

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, makes provisions in respect of the political group 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 of the Council.
- 3.2 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:
- 3.2.1 Not all of the seats can be allocated to the same political group. (i.e. there are no single group committees.)
 - 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
 - 3.2.3 The total number of seats on all ordinary committees allocated to each Political Group bears the same proportion to the proportion on the full Council. Appendix 1 achieves this.
 - 3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full

Council. Appendix 2 demonstrates proportional distribution across all committees etc. It also includes a number of other bodies which the seats for which the Council has agreed will be allocated based upon political representation.

- 3.3 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

4.0 Risk Assessment

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

5.0 LOCAL GOVERNMENT (COMMITTEE AND POLITICAL GROUPS) REGULATIONS 1990

- 5.1 Owing to the recent sad death of Councillor B Howell and the subsequent necessity to countermand the poll for the Crewe South Ward the proposed proportionality calculation has been made on a membership of 80, with 2 vacancies. A new Poll for Crewe South Ward will take place on 16th June 2011. There will be a need to revise the proportionality calculations again following the By-election at the next Council meeting in July 2011. On this basis Appendix 1 to this report sets out the proposed political representation on ordinary committees, The following is the basis of the approach adopted:

Conservatives	52	63.40
Labour	14	17.08
Independent/Others	10	12.20
Liberal Democrat	4	4.88
Vacancies	2	2.44
TOTAL	82	100%

- 5.2 Appendix 1 demonstrates how the Council has to agree the proportionality of its ordinary committees. The definition of an ordinary committee does not include sub-committees or joint committees. They are therefore excluded from Appendix One, but shown at Appendix 2, except where these are ad-hoc bodies. The proportionality rules do not apply to the Cabinet or to the Standards Committee. These are also excluded from Appendix 1.

- 5.3 The proportionalities in Appendix 1 and 2 have been arrived at by 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

The Act provides that where this results in a Group having more or fewer actual seats than their proportional entitlement (as shown in the 'Difference' line in Appendix 1 and 2), any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 2 includes the calculations to show how the reallocation has been made.

- 5.4 Appendix 2 shows the proportional distribution of seats on all bodies and includes not only the ordinary committees at Appendix 1 but other bodies such as joint committees, sub-committees etc.
- 5.5 Appendix 1 reflects the position prior to returns being received from Groups and makes a number of assumptions e.g that the 10 independent Members may form a political group for the purposes of the proportional distribution of seats. This may need to be revised prior to the Annual Meeting, once confirmation has been received from the Group Leaders and Members.
- 5.6 It should be noted that the report proposes not to appoint the Appeals Committee. However, if Council is minded to appoint the Appeals Committee the proportionality figures will need to be amended.

6. Reasons for Recommendations

- 6.1 To determine political representation on the Council's committees.

For further information:

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Background Documents: None