

COUNCIL

9 May 2022

POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer	mrosenthal@rutland.gov.uk
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. Decides the political balance calculation the Council should adopt for 2022/23 as set out in Appendix A (To follow), either:
 - a) Calculation at Table A to include all 27 Councillors, including non-aligned Members.
 - b) Calculation at Table B to include only those Members in a political group.
2. Approves the subsequent allocation of seats to Political Groups, as determined by the vote on political balance calculation, as set out in Appendix B (To follow).
3. Notes the political group nominations for membership of the Council's Committees as set out in Appendix B.
4. Approves the appointments of non-aligned Members to Committees as set out in Appendix B.

- 5. Authorises the Strategic Overview and Scrutiny Committee to co-opt five Members on education matters only, in accordance with the Constitution and the Local Government Act 2000.
- 6. Appoints a Chair of each Committee from among it's membership:
 - a) Audit and Risk Committee
 - b) Conduct Committee
 - c) Constitution Commission
 - d) Employment and Appeals Committee
 - e) Planning and Licensing Committee
 - f) Strategic Overview and Scrutiny Commission

1 PURPOSE OF THE REPORT

1.1 The report requests a number of decisions by Council as required at the Annual Meeting, these are the political balance calculations, allocation of seats to political groups, and the appointments of Chairs on these Committees.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 The Council is required by Section 15 of the Local Government and Housing Act 1989 to review the representation of Groups on Committees at its Annual Meeting each year and to determine the allocation of seats to these Committees.

2.2 The Council's duty is to determine the allocation of seats to be filled by appointments by the Authority, except the Cabinet. The purpose is to ensure that there is proportionality across all formal activities of the Council, representing the overall political composition. It affects all formally constituted committees and which discharge functions on behalf of the Authority.

2.3 The exceptions are the Health and Wellbeing Board which is not covered by the Act, and working parties, forums or joint partnerships.

2.4 Following previous Council decisions on the arrangements for the Constitution Commission and Strategic Overview and Scrutiny Committee, the 49 seats on Council Committees are set out in the table below:

Committee	Number of Places
Audit and Risk Committee	7
Conduct Committee	7
Constitution Commission	7
Employment and Appeals Committee	7

Planning and Licensing Committee	12
Strategic Overview and Scrutiny Committee	9
Total	49

2.5 The Council is also required to co-opt educational representatives to its relevant Scrutiny Committee for educational matters which was previously the Children and Young People's Scrutiny Committee. These representatives are entitled to attend and vote at meetings of the Committee on educational matters only. It is recommended that the Strategic Overview and Scrutiny Committee be authorised to co-opt five Members for this purpose.

3 POLITICAL COMPOSITION OF THE COUNCIL AND UPPINGHAM BY-ELECTION

3.1 As of writing, the political composition of the Council is as follows:

Political Group	Number of Members
Conservatives	9
Independent and Green Group	6
Liberal Democrats	4
Together4Rutland	4
Non-aligned	3
Vacancy	1
Totals	27

3.2 As the by-election to fill the vacancy in Uppingham is due to be held on Thursday 5 May 2022, after the publication of the Council agenda, the tables setting out the political balance calculations and subsequent nominations to Committees are marked as to follow and will be shared as soon as practicable following the declaration of result of the by-election, and confirmation of any group affiliation of the new Member is received by the Proper Officer.

4 APPOINTMENTS OF CHAIRS AND VICE-CHAIRS

4.1 The Constitution also requires that Council should appoint a Councillor from within the membership of each Committee as Chair at the Annual Meeting. The Chair of the Health and Wellbeing Board is set by its Terms of Reference as the Portfolio Holder with responsibility for Health.

4.2 The Vice-Chairs of Committees will be appointed by the Committees at their first meetings of the municipal year as required in the Constitution.

5 CONSULTATION

- 5.1 Group Leaders have been consulted in the compilation of the report and non-aligned Members have been kept informed during the process of compiling Appendix B.

6 ALTERNATIVE OPTIONS

- 6.1 The Council is required to review the Political Balance and allocation of seats at its Annual Meeting, the two options with regard to this are set out in the report.

7 FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications arising from the report, the Special Responsibility Allowances payable to Chairs of Committees are budgeted for within the Member Services Budget.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council is required to review the representation of Political Groups at its Annual Meeting each year or as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990.

- 8.2 The allocation of seats is required to conform to the principles of proportionality contained in sections 15 and 16 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the order shown:

8.2.1 Not all the seats on the body are allocated to the same political group

8.2.2 A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority.

8.2.3 Subject to (8.2.1) and (8.2.2) above, that the number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority; and

8.2.4 Subject to (8.2.1 to 8.2.3) above, that the number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority.

8.2.5 For political balance, a group is required to have at least two members in order to be formally constituted as a political group

8.3 The Local Government (Committees and Political Groups) Regulations 1990 and Procedure Rule 20 require the allocation of seats strictly in accordance with political group membership at the time. This means that nonaligned members do not automatically qualify for seats on Committees.

8.4 However, legislation allows deviation from the principles above provided that a

motion to do is not voted against by any Member, an abstention is not counted as an abstention. Therefore, a motion to agree political balance as set out in Table A is permissible provided no Member votes against.

9 DATA PROTECTION IMPLICATIONS

9.1 A Data Protection Impact Assessments (DPIA) has not been completed as no personal data has been processed in the compilation of the report.

10 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

11 COMMUNITY SAFETY IMPLICATIONS

11.1 There are no community safety implications arising from the report.

12 HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no health or wellbeing implications arising from the report.

13 ORGANISATIONAL IMPLICATIONS

13.1 There are no organisational applications arising from the report.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 The Council is recommended to agree a political balance calculation and make the relevant appointments to the membership of the Council's Committees, in order to ensure that these Committees can transact their businesses.

15 BACKGROUND PAPERS

15.1 There are no additional background papers to the report.

16 APPENDICES

16.1 Appendix A – Political Balance Calculation Tables (To follow)

16.2 Appendix B – Committee Seat Applications to Political Groups and Membership (To follow)

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.