

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 21 February 2023

Reporting officer: Chief Executive

Subject: Representation of Political Groups on Committees / Appointments to Committees

Purpose and summary of report:

Council is statutorily obliged to review its political balance arrangements following a change in the membership of political groups and then determine the allocation of seats to each political group. Subsequently, the Council has a duty to make appointments to those committees giving effect to the wishes of the political group allocated the seats.

Recommendations:

That Council:

1. agree the size of each committee as set out in this report;
2. agree the allocation of seats on committees to each of the Council's political groups as set out within this report;
3. appoints councillors to sit on the committees (including to the positions of Chairs and Vice-Chairs) as set out in Appendix One.

Key Implications:	
Item	Implications
Legal	The Council is required by the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 to effect political balance requirements in the appointment of Committees and Sub-Committees identified within the appendix to this report.
Finance and Value for Money	There are no financial implications arising from this report.
Corporate Plan	Not applicable.
Climate Change	Not applicable.

1. Context/Background Information

- 1.1 Following the recent move of Cllr Leslie Pearton from the Independent Group to the Conservative Group, the Council's political balance has become Labour 22; Conservative 21; and Independent 1.
- 1.2 The Council is statutorily obliged to review its political balance arrangements following a change in the membership of political groups. As soon as practicable after the review, the Council has a duty to determine the allocation to the different political groups of all the seats on the relevant committees.
- 1.3 The Local Government and Housing Act 1989 and the subsequent Local Government (Committees and Political Groups) Regulations 1990 set out the requirements in respect of the allocation of seats on the committees of a local authority.
- 1.4 The principal requirements are that:
 - (a) All seats are not allocated to the same Group,
 - (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council,
 - (c) Subject to the above two principles, that the number of seats on the total of all the committees allocated to each Group bears the same proportion to the proportion they hold on the Full Council, and
 - (d) Subject to (a) and (c), that the number of seats on each committee allocated to each Group bears the same proportion to the proportion of seats held on the Full Council.

2. Application of Political Balance principles

- 2.1 The ordinary committees/panels/board (hereinafter called 'committees') that need to be politically balanced both individually, and overall, are set out below.

Table one – Committee Seats

Committee	Seats
Licensing Committee	14
Appointments Board	14
Crime and Disorder Scrutiny Committee	14
Finance and Audit Committee	9
Overview Scrutiny Committee	9
Planning Committee	9
Standards Committee	9
Appeals Sub-Committee	3
Appointments Panel	3
Hackney Carriage Sub-Committee	3
Licensing Panel	3
Total	90

- 2.2 The revised political balance calculation and entitlements to seats on the committees are below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up.

Table two – Entitlement to seats

Group	Members	Proportion of Council Seats	Total number of committee seats
Labour	22	50.0%	45
Conservatives	21	47.7%	43
Independent	1	2.3%	2
TOTAL	44	100%	90

2.3 Table three sets out the calculations for politically balanced committees. This details each group's seat entitlement and allocates the seats for each group on the committee. The column entitled 'Adjusted seats on each committee' shows the total number of seats on the committee and details any amendments made to the committee size.

Table three - Allocation of seats on each ordinary committee

Committee	Group	Seats on Committee	Seat Entitlement	Total per Committee	Adjusted seats on each committee
Licensing Committee	Labour	14	7.00	7	14 (unchanged)
	Conservative		6.68	7	
	Independent		0.00	0	
Appointments Board	Labour	14	7.00	7	14 (unchanged)
	Conservative		6.68	7	
	Independent		0.00	0	
Crime and Disorder Scrutiny Committee	Labour	14	7.00	7	14 (unchanged)
	Conservative		6.68	7	
	Independent		0.00	0	
Finance and Audit Committee	Labour	9	4.50	5	9 (unchanged)
	Conservative		4.30	4	
	Independent		0.00	0	
Overview Scrutiny Committee	Labour	9	4.50	5	9 (unchanged)
	Conservative		4.30	4	
	Independent		0.00	0	
Planning Committee	Labour	9	4.50	5	9 (unchanged)
	Conservative		4.30	4	
	Independent		0.00	0	
Standards Committee	Labour	9	4.50	5	9 (unchanged)
	Conservative		4.30	4	
	Independent		0.00	0	
Appeals Sub-Committee	Labour	3	1.50	2	3 (unchanged)
	Conservative		1.43	1	
	Independent		0.00	0	
Appointments Panel	Labour	3	1.50	2	3 (unchanged)
	Conservative		1.43	1	
	Independent		0.00	0	
Hackney Carriage Sub-Committee	Labour	3	1.50	2	3 (unchanged)
	Conservative		1.43	1	
	Independent		0.00	0	
Licensing Panel	Labour	3	1.50	2	3 (unchanged)
	Conservative		1.43	1	
	Independent		0.00	0	
Total Seats				90	90

Table four - Result of Political balance calculations applied.

Group	Seats Allocated	Seat Entitlement
Labour	49 (+4)	45
Conservatives	41 (-2)	43
Independent	0 (-2)	2
TOTAL	90	90

- 2.4 The calculations within table three indicate that no adjustments to the membership size would be required for any committees.
- 2.5 Table four shows that initially all 90 seats have been allocated to groups. The Labour Group have been allocated 49 seats; Conservative Group have been allocated 41 seats and the Independent Member has been allocated 0 seats.
- 2.6 This initial allocation does not match the overall entitlement to each group with the Labour Group four seats over allocated, the Conservative Group two seats under allocated and the Independent Member two seats under allocated.
- 2.7 However, technically the Independent Member is not automatically entitled to any seats due to not being part of a 'political group' as set out in the legislation. This interpretation implies that solo independent councillors should be excluded from committee proportionality calculations and are not entitled to any seats.
- 2.8 However, choosing to exclude members that are not in a group can alter the political balance of council committees. This is why many Councils will opt to offer committee seats to Councillors that do not sit in a group, which is in line with Local Government Association guidance.
- 2.9 To resolve the over allocation of seats and to ensure that the political balance rules are followed, the Leader of the Labour Group, in consultation with the Leader of the Conservative Group, has agreed to release two seats to the Conservative Group and two seats to the Independent Member.
- 2.10 These changes would bring the total seats allocated to match the same proportion as the seats held on Full Council.
- 2.11 These seats will be allocated as:-
- 2.11.1 One seat will be given to the Conservative Group on the Appointments Panel. This will change the membership of this committee to; 1 Labour and 2 Conservative.
 - 2.11.2 One seat will be given to the Conservative Group on the Hackney Carriage Sub-Committee. This will change the membership of this committee to; 1 Labour and 2 Conservative.
 - 2.11.3 One seat will be given to the Independent Member on the Planning Committee. This will change the membership of this committee to; 4 Labour, 4 Conservative and 1 Independent.
 - 2.11.4 One seat will be given to the Independent Member on the Appointments Board. This will change the membership of this committee to; 6 Labour, 7 Conservative and 1 Independent.

- 2.12 The proposed allocation of places and appointments to each of the ordinary committees, including the chairs and vice-chairs, is detailed in Appendix one and considers the wishes of each Group Leader.

3. Cabinet Committees

- 3.1 Cabinet Committees are not subject to the political balance rules and therefore have no effect on the overall allocation of seats. These committees have by convention been politically balanced, so to maintain this, it is proposed that the Cabinet Committee's membership changes to 9 Members. This will consist of 5 Labour and 4 Conservative (the Independent Member would not be entitled to a seat). This will affect;

- Commercial Services Cabinet Committee
- Community and Leisure Cabinet Committee
- Housing Services Cabinet Committee
- Operational Services Cabinet Committee
- Performance and Administration Cabinet Committee
- Strategic Environment Cabinet Committee

- 3.2 The proposed allocation of places and appointments to each Cabinet Committee is detailed in Appendix one and considers the wishes of each Group Leader.

- 3.3 Nominations to the positions of chairs and vice-chairs to these committees have also been included for approval.

4. Appendices

- 4.1 The following documents are to be published with the report:

Appendix One - Representation of Political Groups on Committees / Appointments to Committees.

5. Background Documents

- 5.1 There are no background documents.

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Secondary Implications	
Risk Assessment	The Council's decision-making arrangement could be subject to challenge if the statutory requirement to consider political balance requirements is not adhered to.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Not applicable.
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . Not applicable.
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Crime and Disorder	Not applicable.
Digital and website implications	Not applicable.
Safeguarding children and vulnerable adults	Not applicable.