

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO: LDS116

DATE: 23 January 2014

TITLE:	Arrangements for the membership of committees and policy development groups	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Decision of Council	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Not applicable	
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INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact analysis Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Local Government and Housing Act 1989 http://www.legislation.gov.uk/ukpga/1989/42/part/II/crossheading/political-balance-on-committees-etc Local Government (Committees and Political Groups) Regulations 1990 http://www.legislation.gov.uk/uksi/1990/1553/contents/made	

1. RECOMMENDATIONS

- 1.1 That the Council approves the alternative arrangement of holding the vacancy following the resignation of Councillor Debbie Wren until the vacancy has been filled with no Member voting against this arrangement. In the event that the alternative arrangement cannot be agreed then;
- 1.2 The Council approves the following adjustments to the membership of the Council's Committees pending a by-election to fill the vacancy:
 - Appointment of one Conservative Member to the Development Control Committee

- Removal of one Conservative Member from **EITHER** the Communities Policy Development Group **OR** the Resources Policy Development Group
- Appointment of one member of the group of Independents to the Communities Policy Development Group or the Resources Policy Development Group (whichever has the vacancy)
- Removal of one member from the Group of Independents from the Engagement Policy Development Group
- Appointment of one member of the Labour Group to the Engagement Policy Development Group
- Removal of one Conservative Member from the Governance and Audit Committee
- Appointment of one member of the group of Independents to the Governance and Audit Committee

2. PURPOSE OF THE REPORT

- 2.1 This report sets out the requirements for political balance and alternative arrangements arising from the provisions of the Local Government and Housing Act 1989 in the event of the vacancy following the resignation of Councillor Debbie Wren.

3. DETAILS OF REPORT

- 3.1 In January 2014, Councillor Debbie Wren notified the Proper Officer that she was resigning her role as Councillor for Aveland Ward, creating a vacancy on South Kesteven District Council.
- 3.2 If the rules of political balance were to be applied, the arrangements set out in paragraph 3.3 to 3.8 below would have to be put in place. This arrangement would remain in place until the election of another Councillor had taken place. Although the date of the by-election is not known at the date of writing this report, an election must be held within 35 days of receipt of the request for an election by two of the local electorate. Following such an election and appointment of a new Councillor, regardless of outcome, the provision for political balance would have to be considered again and new appointments to Committees and Policy Development Groups put in place. Members may consider that making the changes detailed in this report to be inefficient and of little effect pending the election of a new member and the subsequent changes required at that time. In these circumstances, s.17 of the Local Government and Housing Act 1989 permits the Council to make alternative arrangements. Such alternative arrangements could be to hold the vacancy pending the election of a new councillor. This would mean that no appointment is made to the Development Control Committee and no change is made to the Governance and Audit Committee and the Policy Development Groups. Such an arrangement would require that no Member present at the meeting of Council votes against this alternative arrangement. If such a vote is not achieved then the requirements of clause 3.3 and 3.8 below would apply.
- 3.3 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership

divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the council as a whole is divided. Those appointments to which the rules of political balance apply are:

- Ordinary committees or subcommittees of the authority
- Advisory committees and any subcommittees appointed by an advisory committee
- Specified prescribed bodies where at least three seats have to be filled by the relevant authority.

3.4 The legislation also requires that in appointing members on a politically proportional basis, it should, as far as possible conform with the following principles:

- (a) That not all seats are appointed to the same political group
- (b) That a political group with an overall council majority gets a majority of seats allocated
- (c) Subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership
- (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole

3.5 Councillor Wren's resignation has caused the political balance of the Council's committees and policy development groups to be recalculated (see appendix 1). A number of adjustments are required to ensure the ongoing political balance of the Council as follows.

3.6 Development Control Committee

3.6.1 No change in political balance however the Conservative Group needs to nominate one Councillor to fill the vacancy created by Councillor Wren

3.7 Policy Development Groups (PDGs)

3.7.1 Adjustments are required to two policy development groups. The Conservative Group will lose a seat in favour of the Labour Group however it is not possible to do a direct substitution (see paragraph 3.3 (a) to (d)).

3.7.2 Currently the Labour Group has one seat on the Communities PDG and Resources PDG, so to maintain political balance across the PDGs, the additional seat should be on the Engagement PDG.

3.7.3 The current membership of the policy development groups is detailed in the table below:

	Engagement	Communities	Resources
Conservative	4	5	5
Independent	3	1	1
Labour	0	1	1

- 3.7.4 If the Labour Group takes one seat from the Conservative Group on Engagement PDG, there would be no political balance. The Conservative Group, which holds the Council majority, would have less seats than the opposition groups.
- 3.7.5 This means that the membership of EITHER the Communities PDG OR the Resources PDG, and the Engagement PDG needs adjusting to 4 Conservatives, 2 Independents and 1 Labour Councillor.
- 3.7.6 To enable the adjustments, this means that the Conservative group will lose a seat on either the Resources or Communities PDG. This seat will be taken by a member of the group of Independents.
- 3.7.7 The group of Independents will lose one seat on the Engagement PDG, which will be filled by the Labour group.

3.8 Governance and Audit

- 3.8.1 Changes to the political balance mean that the Conservative Group will lose a seat to the group of Independents. This means the Committee's membership will consist of four Conservatives, two Independents and one Labour member.

4. OTHER OPTIONS CONSIDERED

- 4.1 The Council must comply with the provisions of the Local Government and Housing Act 1989 and either apply the principles of political balance to those committees noted in paragraph 3.3 to 3.8 or vote for alternative arrangements. Alternative arrangements would permit the Council to operate with the same committee memberships as present until the outcome of the by-election is known.

5. RESOURCE IMPLICATIONS

- 5.1 This report has no resource implications.

6. RISK AND MITIGATION

- 6.1 No significant risks were identified in preparation of this report.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 An equality analysis is not applicable.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 No crime and disorder implications arise as a result of this report.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no financial comments arising from this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 In making appointments to its committees and subcommittees the Council is required to comply with the Local Government and Housing Act 1989 (LGHA) and the Local Government (Committees and Political Groups) Regulations 1990. This sets out requirements relating to political balance and the application of this principle to prescribed categories of meeting and makes provision for alternative arrangements at s.17. The requirement of s.17 of the LGHA is that no member of the authority votes against the alternative arrangements. This means that abstentions would not defeat the vote.
- 10.2 If no alternative arrangements can be agreed the changes to address political balance will need to be put in place. These will have to be recalculated following the by-election to fill the vacancy in Aveland Ward, following which a further report will be brought to full Council to put in place the arrangements required to effect political balance .

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 Not applicable

12. APPENDICES:

- Appendix 1: Political balance calculations

Appendix 1

Allocation to decision-making Committees ensuring balance on each Committee

Party	Seats	%	DC Prop	DC Rounded	Lic Prop	Lic Rounded	Const'n Cttee	Const'n Cttee rounded	Gov & A	Gov&A rounded	Scrutiny	Scrutiny Rounded
Conservative	37	63.79%	10.84483	11	7.017241	7	3.189655	3	4.465517	4	7.017241	7
Independents	13	22.41%	3.810345	4	2.465517	3	1.12069	1	1.568966	2	2.465517	3
Labour	7	12.07%	2.051724	2	1.327586	1	0.603448	1	0.844828	1	1.327586	1
Vacancy	1											
Total	58			17		11		5		7		11

Allocation to Policy Development Groups

Total seats available 21

Party	Seats	%	Seats prop	Seats Rounded	PDG 1	PDG 2	PDG 3
Conservative	37	63.79%	13.3966	13	4	4	5
Independents	13	22.41%	4.7069	5	2	2	1
Labour	7	12.07%	2.5345	3	1	1	1
Vacancy	1						
Total	58		0	21	7	7	7

Chief Exec Panels

Party	Seats	%	Seats prop	Seats rounded
Conservative	37	63.79%	1.9138	2
Independents	13	22.41%	0.6724	1
Labour	7	12.07%	0.3621	0
Vacancy	1			
Total	58			3