

## POLITICAL PROPORTIONALITY

Annual Council - 21 May 2019

Report of Chief Officer Corporate Services

Status For Decision

Key Decision No

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**Recommendation to Council:** The recommendations will be on a follow up report once all necessary information is known.

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**Reason for recommendation:** Council is required to determine the constitution and political balance of the committees, joint committees and panels that have been set up for the purpose of discharging its functions.

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### Introduction and Background

- 1 The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules.
- 2 Section 15 of the Local Government & Housing Act 1989 sets out 4 rules, and requires authorities to apply them in descending order of priority.
  - The first rule is that, where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.
  - The second rule is that, where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.
  - The third rule provides that, without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.
  - The fourth rule provides that, so far as is consistent with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.

- 3 Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least 2 members.
- 4 The Council can only depart from these rules by passing a resolution with no member voting against the resolution.
- 5 The political proportionality rules also apply to those outside bodies dealing with local government matters to which the council appoints three or more representatives.
- 6 The political composition of the Council is as follows:

Conservative	Liberal Democrat	Hextable Independent	Independant	Labour	No party description
46	3	2	1	1	1

- 7 Any political groupings have yet to be formally advised.

#### **Bodies to which proportionality does not or need not apply**

- 8 The Sevenoaks Joint Transportation Board is exempt from the rules. Firstly in the terms of reference it states itself to be a “non statutory forum”. It also does not make decisions itself, but merely recommends to the relevant executive. If it could uphold this then it would not be subject to the rules at all.
- 9 However, under the 1989 Act, even if it were a statutory committee then the whole Board would be exempt from political proportionality under the Local Government (Committees and Political Groups) Regulations 1990. As Reg. 16A refers to area committees and 16B to joint area committees. The provisions differ slightly in each. However, in essence they explain that, for example, where a County Member is elected from each division and an equal number of District Councillors then we would not need to apply the proportionality rules.

#### **Achieving Political Balance**

- 10 This will be notified in the follow up report. Only Members who have formed political groups qualify for committee seats.

#### **Outside organisations**

- 11 With regard to representation on outside bodies, political proportionality rules should be applied in some cases.

#### **Other Options Considered and/or Rejected**

- 12 None - the Council is required under Section 15 of the Local Government and Housing Act 1989 to review the representation of different political groups

on bodies to which it makes appointments whenever there is a change in political representation. The Act requires that the review should be held at the Annual Meeting or as soon as practicable after that meeting or the change has occurred.

## **Key Implications**

### Financial

There are no financial implications directly arising from the recommendations contained within this report.

### Legal Implications and Risk Assessment Statement

There is a specific duty imposed on the Council to review each year at the Annual meeting, or as soon as practicable thereafter, the representation of different political groups. The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles within this report only by a unanimous vote. However, a political group may decide to offer a seat on a committee or panel to another political group. This does not affect the proportionality principles as it remains within the gift of that political group to determine how it wishes to exercise that discretion, if at all.

The recommendations in this report are in accordance with the power set out within Section 15 of the Local Government and Housing Act 1989.

The Council has a statutory duty to review at its Annual meeting, or as soon as practicable thereafter, the representation of different political groups. The proposals detailed in this report support that duty.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **Conclusion**

A full follow up report will be circulated prior to the meeting once all the necessary information is known.

**Jim Carrington-West**

**Chief Officer Corporate Services**