

# Political Balance on Committees

## 1. Introduction

The Local Government and Housing Act 1989 (as amended) provides a statutory basis for the rights of minority groups to secure representation upon Council Committee and Sub-Committee meetings (including joint bodies to which the Council nominates Members) in proportion to their respective political strengths within the Council.

Regulations made under the Act lay down procedures for the constitution of Groups and the expressions of wishes of those Groups and individual Members who wish to join or leave any particular Group or form any further Group as the case may be. The Regulations provide for the Council to review the allocation of seats to political groups (ie., to secure political balance) in certain circumstances which are explained in this note.

The key issues to note are the requirements upon individual Councillors to indicate a wish to be a Member of any particular Group or cease to be a Member of any Group, and to note the role of the **Leader** or the majority of Members in any Group in allocating seats on Council Committees and Sub-Committees to Group Members. This is of particular importance following elections of the whole Council but may also be relevant when individual Members change Groups or constitute a further Group or upon an election of a new Member during a Municipal Term when overall political balance may be affected or may be required to be reviewed.

Accordingly, this note aims to explain:-

- what a political group is
- when the Council must review the political balance of its Committees etc.
- how seats on various Committees should be allocated in accordance with the Act and Regulations
- what steps you should take when joining or leaving a Group or upon any changing composition of the Group or its leadership.

## 2. What Is A Political Group?

By definition a political group needs to be comprised of two or more Members who have indicated by notice to the Corporate Director (Law and Governance) that they wish to constitute a named group, such notice also to indicate the identity of the Leader of the Group. On an optional basis, that notice may also indicate the name of the Deputy Leader. The notice must be signed by all Members who wish to form the Group.

The Regulations allow for Groups which are described in substantially similar terms to be treated as a single group for the purposes of determining the allocation of seats.

Once formed, changes in leadership and membership can be made by further notice to the Head of Legal and Democracy. The wishes of the Group can be made known by the Leader or a majority of Group Members unless it relates to a change in Leader in which event the notice must be signed by the majority of the Group.

The Regulations may provide particular support for those Members who have been elected, say, as independent, Council Tax payers' representatives etc., who may wish to combine as an "independent" group. It will not, as a matter of course, entitle Members of such a Group to seats on every Committee or Sub-Committee or even a majority of them unless the Group is sizeable.

### 3. **The Duty to Review Allocation**

The Council has given delegated authority to the Head of Legal and Democracy to agree provisionally the Political Balance of the Authority with Group Leaders.

**NB:** The Final Calculation has to be approved by the Full Council and is submitted to the Annual Meeting of the Council for adoption.

Following provisional agreement of the Political Balance Calculation, Groups are notified of the allocations they are entitled to as a whole and on individual Committees etc. To assist the Council in operating as soon as possible after the whole Council Elections the Council has further delegated authority to the Head of Legal and Democracy, in liaison with Group Leaders, to appoint Members to the Selection and Constitutional Review Committee and to convene a meeting of the Committee. That meeting receives details of Members appointed by Group Leaders to the seats allocated on Committees etc. and recommends the appointment of Committee Chairmen and Vice-Chairmen etc. More details of the role of the Selection and Constitutional Review Committee and the Head of Legal and Democracy in the period between the whole Council Elections and the Annual Meeting of the Council are contained within the Terms of Reference of the Committee and the Scheme of Delegations in Part 3 of this Constitution.

The Political Balance Calculation and review will occur:-

- As soon as practicable after the Head of Legal and Democracy receives notice of the constitution of a political group, or a change in membership of any group where such notice is delivered at least one month after the previous review.

- As soon as practicable after the Head of Legal and Democracy receives from any newly elected Member a notice of membership of any political group accompanied by a further notice specifically requesting a review of political balance provided that a review has not taken place within one month of the election.

The wishes of the various political groups on the Council as to seat allocation will normally be expressed by the Leader of the political groups to the Head of Legal and Democracy. The Leaders of the Groups will identify those Members to whom seats are to be allocated on the various Committees etc., in accordance with the allocation to each political group settled by Group Leaders upon advice from the Head of Legal and Democracy.

#### 4. **The Principles Of Allocation**

The Council is bound to allocate seats on its Committees etc., in accordance with the following overriding principles which were laid down in the Act:-

- where there is more than one group, all the seats must not be allocated to the same political group
- the majority of seats must be allocated to the group with the majority on the Council
- the number of seats on the total of all the Committees etc., allocated to each political group should bear the same proportion to the proportions on the full Council
- the number of seats on each individual Committee etc., of the Council allocated to each political group bears the same proportion on the full Council.

Clearly, there will be occasions when a precise mathematical allocation cannot be implemented. On such occasions Group Leaders work with the Head of Legal and Democracy to agree a satisfactory arrangement in the interests of the Council as a whole. The objective in those circumstances is to have overall regard to the principles.

#### **What Steps Should a Member Take?**

On the formation of a political group, a Member should sign (in common with others) the notice of constitution of a group which is then to be delivered to the Head of Legal and Democracy (see above).

If at any time a Member wishes to change Groups or simply cease to be a Member of any Group then notice should be given to the Head of Legal and Democracy.

Obviously a Member ceases to be a member of a political group when they cease to be a Member of the Council. Alternatively, a Member shall cease to be considered as a Member of a Group if the majority of the Members of the Group state that they no longer wish that person to be treated as a Member of it.

When a Member changes Groups a notice signed by that Member must be given to the Head of Legal and Democracy, countersigned by the Leader/Deputy Leader or majority of Members of the Group which that Member wishes to join.

If the Member wishes to constitute a new political group, then a notice must be given signed by two or more Members which should also indicate the name of the Leader of that Group.

It should be noted that if different wishes are expressed by the Leader, Deputy Leader or majority of Members of any Group, then it is the wish expressed by the majority of Members that shall prevail. If a Group fails to express any wish in relation to an appointment within the period of three weeks from the date on which the Group was notified, then the Council may make such appointment as it thinks fit from the Members of the Group entitled to the seat(s).

Save where the appointment is for a fixed term, the Council is bound to act in accordance with the Group's wishes as to termination of allocation of a seat to any particular Member. It should be noted that whilst political groups are now able to nominate and re-nominate their appointees to Committees etc., the duty still remains that of the Council to give effect to such nominations as soon as reasonably practicable after those wishes have been expressed. This normally occurs via meetings between Group Leaders and the Head of Legal and Democracy and the Selection and Constitutional Review Committee which makes a number of recommendations to the Council.

The Head of Legal and Democracy retains pro forma documents for completion by any individual Member or Members of a Group for the purpose of giving notice under any of the provisions of the Regulations as described.

