

## 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: That Council

- (a) note the political balance of the Council is: 46 Conservative; 3 Liberal Democrat; 2 Hextable Independent; 1 Labour; 1 Independent; and 1 no party description;
- (b) note the following political groupings: 46 Conservative Group; 3 Liberal Democrats Group; 3 Sevenoaks Independent Group, leaving 2 ungrouped; and
- (c) agree the allocation of seats as set out in the Appendix to this report.

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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 certain outside bodies dealing with local government matters to which the council appoints three or more representatives.
  - 6 The political group composition of the Council is as follows:

	Conservative Group	Liberal Democrats Group	Sevenoaks Independent Group	Ungrouped (1 Independent and 1 Labour)
Members	46	3	3	2
Percentage	85.2%	5.6%	5.6%	1.9 % each

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

- 7 Cabinet is exempt from the rules.
- 8 The Sevenoaks Joint Transportation Board is also 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 executives. 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.
- 10 Also under the Act the proportionality rules only apply to certain outside bodies which have more than three appointees.

#### **Achieving Political Balance**

11 A table applying the percentages is below.

Proportional percentage of seats:

Committee	Size	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped each
Appointments	10	8.5	0.6	0.6	0.2
Audit	9	7.7	0.5	0.5	0.2
DCC	19	16.2	1.1	1.1	0.4
Governance	7	6	0.4	0.4	0.1
Health Liaison Board	8	6.8	0.5	0.5	0.2
Homelessness	3 (incl 1 PH)	2.6	0.2	0.2	0.1
Licensing	13	11.1	0.7	0.7	0.2
Scrutiny	11	9.4	0.6	0.6	0.2
Standards	7	6	0.4	0.4	0.1
All Advisory Committees	12 (X6)	10.2	0.7	0.7	0.2
CIL	15	12.8	0.8	0.8	0.3

**Allocation of seats**

- 9 Applying the table above leads to an allocation of seats complying set out in the table below. Only Members who have formed political groups qualify for committee seats.

Committee	Size	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped
Appointments	10	9	1	0	0
Audit	9	8	0	1	0
DCC	19	17	1	1	0
Governance	7	6	1	0	0
Health Liaison Board	8	7	1	0	0
Homelessness	3 (incl 1 PH)	2	0	1	0
Licensing	13	11	1	1	0
Scrutiny	11	9	1	1	0
Standards	7	6	0	1	0
All Advisory Committees	12 x6	60	6	6	0
CIL	15	13	1	1	0
<b>Total</b>	<b>174</b>	<b>148</b>	<b>13</b>	<b>13</b>	<b>0</b>
%		85.1	7.5	7.5	
% difference		-0.1	+1.9	+1.9	

- 7 Council will note that the proportionality calculations result in the ungrouped member securing no seats on any Committee. Council could, if it so resolved by a resolution with no member voting against the resolution,

depart from proportionality to allocate some seats to the un-grouped member and any unallocated seats should go by default to any members who are not a member of a political group. However, Council should note that, the majority party must remain the majority.

- 8 These breakdowns have been given to the Group Leaders who have agreed seat allocations in compliance with the above proportionality with some ‘gifting’ of allocated seats. The proposed seat allocations are set out in the attached Appendix.

### Outside organisations

- 9 With regard to representation on outside bodies, political proportionality rules should be applied in certain circumstances under the Local Government and Housing Act 1989 Section 15(7) and where there are more than three members. There are only three outside bodies appointed by Cabinet that fall into this category:

Outside organisation	No. of appointments requested	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped
Sevenoaks District Arts Council	6	5	0	1	0
Sevenoaks District Sports Council	3	2	1	0	0

### Other Options Considered and/or Rejected

- 10 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.

### **Appendices**

Seat allocation as agreed by the three group Leaders for recommendation to Council

### **Background Papers**

**Jim Carrington-West**

**Chief Officer Corporate Services**

## Appendix

Seat allocation where affected by political proportionality rules, as agreed by the three group Leaders for recommendation to Council:

Committee	Size	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped
Appointments	10	9	1	0	0
Audit	9	8	0	1	0
DCC	19	17	1	1	0
Governance	7	6	1	0	0
Health Liaison Board	8	7	1	0	0
Homelessness	3 (incl 1 PH)	2	0	1	0
Licensing	13	10 and not taking 1 allocation	1	Not taking allocation	0
Scrutiny	11	9	1	1	0
Standards	7	6	0	1	0
Improvement & Innovation Advisory Committee (AC)	12	10	1	Not taking allocation	1 taking unclaimed allocation
Finance & Investment Ac	12	10	1	Not taking allocation leaving a vacancy	0
People & Places AC	12	10	1	1	0
Cleaner & Greener AC	12	10	1	Not taking allocation	1 taking unclaimed allocation

Housing & Health AC	12	10	1	Not taking allocation	1 taking unclaimed allocation
Development & Conservation AC	12	10	1	1	0
CIL	15	13	1	1	0
Total	174	147 + 1 vacancy	13	8 + 1 vacancy	3