



Report to: Council

Date of Meeting: 28 September 2006

Report from: Head of Legal and Democratic Services

Title of Report: Political Balance Review

Agenda Item Number: **10**

1. PURPOSE AND SUMMARY

- 1.1 A report on political balance was given to the Council at its Annual Meeting. Since then a new Member, Cllr Dorothy Rand, has been elected to the Council and subsequently gave notice to join the Labour Group and was accepted into the Labour Group. This has in effect triggered the statutory duty to review as soon as practicable the political balance arrangements including the decisions made to disapply the political balance rules.
- 1.2 Section 17(2) of the Local Government and Housing Act 1989 has the effect of ending any existing disapplication of political balance arrangements when this statutory duty arises.
- 1.3 The purpose of this Report is therefore to discharge the statutory duty to review representation arrangements of the different political groups brought about by the additional Labour Group Member and to decide whether or not to reinstate the disapplication of political balance arrangements.
- 1.4 Members are simply being recommended to restore the arrangements previously made.

2. CONSULTATION

- 2.1 Members have previously made their views clear but any further views are sought.

3. CORPORATE PLAN AND PRIORITIES

- 3.1 The Council's Constitution is the internal governance document which assists in the delivery of the Council's organisational goals as expressed from time to time in the Council's Corporate Plan.

4. IMPLICATIONS

4.1 Financial

- 4.1.1 None directly arising from this Report.

4.2 Legal

- 4.2.2 The Council has a statutory obligation under section 15 of the 1989 Act and Regulations made thereunder to review the representation (on bodies required to be politically balanced) of different political groups on various specified occasions, including when a Member joins a political group.

- 4.2.3 After such a review it is the Council's statutory duty under section 16 of the 1989 Act to determine the allocation of seats to political group(s) as soon as practicable.

- 4.2.4 In allocating seats to political groups on bodies, the Council has to implement the statutory principles laid down in Section 15 (5) of the 1989 Act.

- 4.2.5 The statutory principles specified in section 15(5) of the 1989 Act and their relative order of application are:-

(a) that not all the seats on the body are allocated to the same political group;

(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and

(d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

4.2.6 Paragraphs (a), (b) and (d) apply to all appointments to bodies required to be politically balanced which are created by the Authority and also to certain outside bodies.

4.2.7 Section 15 (4) of the 1989 Act requires the Council in the exercise of its duty to allocate to make only determinations as give effect, so far as reasonably practicable, to the principles specified in Section 15(5) of the 1989 Act. This recognises that exact precision is not always possible.

4.3 Personnel

4.3.1 None

4.4 Other Services

4.4.1 None

4.5 Diversity

4.5.1 None

4.6 Risk

4.6.1 The risk to the Council is that it will be in breach of its statutory duty and its own procedures in the Constitution unless it reviews the political balance and the allocation of seats.

4.6.2 The risk to the Community is that confidence in democracy will be eroded if the Council fails in its legal duties.

4.7 Crime and Disorder

4.7.1 None

4.8 Other Implications

4.8.1 None

5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL

5.1 Prior to the 1989 Act it was possible for bodies to consist solely of Members from one political group. Since 1989 certain bodies are required by law to be politically balanced.

5.2 This Report deals with the provisions in the 1989 Act and The Local Government (Committees and Political Groups) Regulations 1990 SI 1553 as amended by The Local Government (Committees and Political Groups) (Amendment) Regulations 1991 SI 1398 and the Local Government Act 2000, concerning the requirement for local authorities to ensure that places on certain bodies are made available to political groups proportionate to their overall strength on the Council.

5.3 Sections 15 to 17 of the 1989 Act and the subsequent Regulations provide for a system of political balance. Reviews are required to be undertaken by the Council (and Members are reminded this duty applies to Committees too) on certain prescribed occasions.

5.4 Political Groups

5.4.1 The 1989 Act and subsequent Regulations assume that most local authorities will usually divide into 'political groups' and the Regulations define what a 'political group' is, who are to be treated as members of a political group and how the wishes of the group are to be met.

5.4.2 The concept of a 'political group' is distinct from that of an established political party in that members of a political group do not necessarily have to be of the same political persuasion, though often they are. Members must not fall into the trap of regarding their political party grouping as the same as a statutory 'political group' defined under the Regulations for the purposes of the 1989 Act.

5.4.3 This Report is prepared on the basis that named political groups have been established at the date of the Meeting as follows and their relative strengths are:-

Labour Group: 29

Independent Group: 4

Non-Grouped: 1

5.5 Political Balance

5.5.1 'Political balance' is the concept that seats should be allocated in proportion to the number of seats held by 'political groups' i.e. places on council bodies should be proportionate to overall strength on the Full Council.

5.5.2 Not all bodies are required by law to be politically balanced, though of course it might be decided in some situations to make those bodies politically balanced by choice.

5.5.10 ***Current Political Balance of Full Council***

<u>Political Group</u>	<u>No. of Seats</u>	<u>Fraction of Whole</u>	<u>% of Total Seats (Proportionality)</u>
Labour	29	29/34ths	85.29412
Independent	4	4/34ths	11.76471
Non-Grouped * (Conservative)	1	1/34th	2.941176
Total:	<u>34</u>		(100%)

*Since there is only a single Member involved, this does not qualify as a 'political group'.

5.6 Disapplication of Political Balance Requirements

5.6.1 Under section 17 of the 1989 Act and subsequent Regulations it is possible to waive the requirements of political balance. The procedure is laid down which requires two hurdles to be jumped namely (1) advance notification of any proposal for alternative (i.e. non-proportionate) arrangements be given to all Members and (2) there is a resolution of the Council to disapply with no member voting against. Notification can be in the agenda which indicates that approval of alternative arrangements for appointments is to be considered. In other words, if the vote is less than unanimous, there will be no disapplication of the requirements of political balance. Any Member present and voting can thus veto alternative arrangements by voting against them. If there is however no dissent, such alternative arrangements can take any form that is otherwise lawful.

5.6.2 Even if alternative arrangements are approved without dissent, such arrangements cease to have effect under section 17(2) of the 1989 Act when the Council's statutory duty to review representation is triggered under the 1989 Act or subsequent Regulations. Alternative arrangements therefore have a limited shelf-life, the length of which cannot be predicted from the outset.

6. **RECOMMENDATIONS**

6.1 That the Council notes the review of the representation of the different political groups.

6.2 That those arrangements regarding political balance and the disapplication of the political balance arrangements and the allocation of seats which existed immediately prior to this latest duty to review the representation of the different political groups be reinstated.

7. BACKGROUND PAPERS / DOCUMENTS REFERRED TO

None.

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DATE OF REPORT	15 September 2006
VERSION NUMBER	1

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