

Chester-le-Street District Council

POLITICAL BALANCE – MAY 2008

ALLOCATION OF SEATS

The following is the strict calculation applying political balance rules to the Ordinary Committees, i.e. excluding the Executive and those bodies not subject to political balance (see overleaf) and including the members not part of a political group. *NB Assumes disapplication of PB rules to Performance Committee.*

The Political Balance of the Council is:

| GROUP | NO. OF MEMBERS | % |
|----------------|----------------|------------|
| LABOUR | 26 = | 76.47 |
| INDEPENDENT | 5 = | 14.71 |
| CONSERVATIVE | 2 = | 5.88 |
| NON AFFILIATED | 1 = | 2.94 |
| TOTALS | 34 | 100 |

| GROUP | NO. OF MEMBERS | NO. OF SEATS ON ORDINARY COMMITTEES (ITALICS)) EXC PERFORMANCE COMMITTEE |
|----------------|----------------|---|
| LABOUR | 26 | 66 |
| INDEPENDENT | 5 | 13 |
| CONSERVATIVE | 2 | 5 |
| NON AFFILIATED | 1 | 3 |
| | | 86 |

Members will note that the above does give round numbers. The Local Government and Housing Act 1989 requires the Council to allocate seats in those proportions ("so far as reasonable practicable"). The Act is silent on whether fractions should be rounded up or down and members may wish to discuss this further.

PROPOSAL:

| | APPEALS C (3) * ++ | AUDITC (4)+ ++ | EA AG (9) | LC (34) ++ | LSC (3) | OVERVIEW & SCRUTINY C (28) DA + | PERFORMANCE (3)DA ++ | PERSONNEL C (11) ++ | PERSONNEL APPEALS SC (5) | PERSONNEL APPOINTMENTS SC (5) | PLANNING (34) ++ | NO. |
|----------|--------------------------|----------------------|-----------------|------------------|------------|--|----------------------------|------------------------------|--------------------------------|-------------------------------------|------------------------|-----|
| LAB | 2 | 3 | 7 | 26 | 2 | 21 | 3 | 9 | 4 | 4 | 26 | 107 |
| INDEP | 1 | 1 | 2 | 5 | 1 | 4 | 0 | 1 | 1 | 1 | 5 | 22 |
| CONSER | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 1 | 0 | 0 | 2 | 7 |
| NON- AFF | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 3 |

NOTE: + denotes NOT including any Executive Member

APPEALS C denotes Appeals Committee (*Any three Members of O&S)

LC denotes Licensing Committee

OVERVIEW & SCRUTINY denotes Overview & Scrutiny Committee

PERFORMANCE C denotes Performance Committee (DA - Political balance disapplied without dissent) (Leader/DL/HRExe)

PERSONNEL APPEALS SC denotes Personnel Sub-Committee Appeals Panel

PLANNING denotes Planning Committee

NB. Members of the Executive cannot be appointed to Overview & Scrutiny Committees under section 21 (9) of the Local Government Act 2000.

NB. Overview & Scrutiny Committees are required to be politically balanced under section 21 (11) of the Local Government Act 2000 (unless unanimously disapplied).

NB. Ordinary committees (appointed under section 102(1) (a) of the Local Government Act 1972) and ordinary sub-committees (appointed under section 102(1)(c) of the Local Government Act 1972) are required to be politically balanced

NB. Advisory committees and advisory sub-committees appointed under section 102(4) of the Local Government Act 1972 are required to be politically balanced.

NB. Certain joint committees appointed by two or more authorities under section 102(1)(b) of the Local Government Act 1972 are required to be politically balanced (but only if there are at least three seats to be allocated)

++ denotes an 'Ordinary Committee' created under the Local Government Act 1972

AUDITC denotes Audit Committee

LSC denotes Licensing Sub-Committee

EAAG denotes Electoral Arrangements Advisory Group

PERSONNELC denotes Personnel Committee

PERSONNEL APPOINTMENTS SC denotes Personnel Sub-Committee Appointments Panel (inc. 1 Exe)

Section 15 (5) principles

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Section 15 (5) of the Local Government and Housing Act 1989 states:-

The principles mentioned in subsection (4) above, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, 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 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.'

Translated this means:-

- (1) **no one party body (unless disapplication of political balance rules without dissent by those present and voting);**
- (2) **the majority group gets the majority of seats allocated on a body;**
- (3) **the TOTAL seats on Ordinary Committees (when added together) are allocated in accordance with the strength of the political groups on the Council**
- (4) **the seats on each body are allocated in accordance with the strength of the political groups on the Council.**

These principles conflict so the order they apply are as listed (i.e. earlier principles are given priority over later principles).

Ordinary Committees do not include sub-committees or advisory committees or advisory sub-committees. (Ordinary Committees are marked ++). An Overview and Scrutiny Committee is not an Ordinary Committee because its existence depends upon executive arrangements (see section 21(1) of the Local Government Act 2000)

To disapply the political balance rules where they apply requires total agreement by those present and voting. Any single vote against imposes the political balance rules against the majority will. Section 17 of the Local Government and Housing Act 1989 refers.

PROPOSAL FOR BODIES NOT REQUIRED TO BE POLITICALLY BALANCED BY LAW:

| | EXECUTIVE (10) ** | SLC (15)** | SLSC (3) ** | STANDARDS (3 ELECTED)** | STASSESSMENTSC (3)** | STREVIEWSC (3)** | STHEARINGS SC (3)** | TOTAL |
|----------|----------------------|---------------|----------------|----------------------------|-------------------------|---------------------|---------------------------|-------|
| LAB | 6 | 12 | TBA | 2 | TBA | TBA | TBA | 20 |
| INDEP | 0 | 2 | TBA | 1 | TBA | TBA | TBA | 3 |
| CONSER | 0 | 1 | TBA | 0 | 0 | 0 | 0 | 1 |
| NON- AFF | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

NOTE: ** No requirement to be politically balanced

EX denotes Executive

SLSC denotes Statutory Licensing Sub-Committee

STASSESSMENTSC denotes Standards Assessment Sub-Committee

STHEARINGSSC denotes Standards Hearings SC

SLC denotes Statutory Licensing Committee

STANDARDS denotes Standards Committee

STREVIEWSC denotes Standards Review Sub-Committee

TBA – To be announced

NB The Executive is not required to be politically balanced – Section 24 of the Local Government Act 2000 refers. (NB. Minimum of three and maximum of ten – section 11 (8) of the Local Government Act 2000). (NB. Chairman of the Council and Vice-Chairman of the Council cannot be members of the Executive – section 11 (7) of the Local Government Act 2000).

NB. The Statutory Licensing Committee is not required to be politically balanced – section 101 (15) of the Local Government Act 1972 (NB. At least 10 but not more than 15 – section 6 (1) of the Licensing Act 2003).

NB. The Standards Committee is not required to be politically balanced- section 53 (10) of the Local Government Act 2000 (NB. At least 25% must be Independent Representatives and there must be at least two Parish Representative and no more than one member of the Executive – The Standards Committee (England) Regulations 2008 SI No. 1085). (NB. Leader of the Council cannot be a member of the Standards Committee and the chair of the Standards Committee cannot be put in the hands of a member of the Executive – section 53 (5) of the Local Government Act 2000 and must be chaired by an Independent Member – section 53(4) of the Local Government Act 2000).

Option 1 (Where political balance has been disapplied from the Performance Committee)

| | No of Se at s | Labour | Independent | Conservative | Non-Grouped Liberal Democrat |
|--|---------------------------|----------------------|--|---|---------------------------------|
| Appeals Committee | 3 | 2.294118000 (2) | 0.441177000 (1) Adj. principle (a) | 0.176472000 (0) | 0.088236000 (0) |
| Audit Committee | 4 | 3.058824000 (3) | 0.588236000 (1) | 0.235296000 (0) | 0.117648000 (0) |
| Licensing Committee (not Licensing Act 2003 and not Gambling Act 2005 functions) | 34 | 26 (26) | 5 (5) | 2 (2) | 1 (1) |
| Personnel Committee | 11 | 8.411766000 (9) | 1.617649000 (1) | 0.647064000 (1) (Adj principle (c)) | 0.323532000 (0) |
| Planning Committee | 34 | 26 (26) | 5 (5) | 2 (2) | 1 (1) |
| Total Seats Proportionate | 86 | 65.764716000 (66) | 12.647074000 (13) | 5.058864000 (5) | 2.529432000 (2) |
| Total Seats Allocation | 86 | 66 | 13 | 5 | 2 |

