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| REPORT TO: | ANNUAL COUNCIL |
| DATE: | 20 MAY 2019 |
| SUBJECT: | POLITICAL BALANCE OF THE COUNCIL AND COMPOSITION OF COMMITTEES |
| LEAD OFFICER: | COUNCIL SOLICITOR AND MONITORING OFFICER |
| WARDS: | ALL |
| CORPORATE PRIORITY/POLICY CONTEXT: | |
| <p>The Council is required under the Local Government and Housing Act 1989 to keep under review the representation of the different political groups on bodies appointed by the Council. Section 2 of Part 4.A read with Article 4(1)(f) of the Constitution empowers the Council to appoint non-executive Committees at its Annual Meeting.</p> | |
| FINANCIAL SUMMARY: | |
| <p>There are no financial issues arising from the recommendations in this report.</p> | |

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| <p>1. RECOMMENDATIONS</p> <p>That Council:</p> <p>1.1 Having reviewed the representation of the political groups on the Council, confirms that there are 41 Labour Group Members and 29 Conservative Group Members (as set out in Para 3.1); and</p> <p>1.2 Approves the appointment and composition of Committees as set out in paragraph 4.7</p> |
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2. INTRODUCTION

- 2.1 The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats.
- 2.2 The Council is also required under Section 15(1) of the Local Government and Housing Act 1989, to keep under review the representation of the different political groups on bodies appointed by the Council.
- 2.3 This report details:
- i) The annual review of the political balance of the Council; and
 - ii) Recommends the appointment and composition of Committees for the 2019/20 Municipal Year.

3. POLITICAL GROUPS

- 3.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Councillors have given notice to the Chief Executive of their wish to be regarded as members of the political groups as set out below:

Labour Political Party

1. Hamida Ali
2. Muhammad Ali
3. Jamie Audsley
4. Jane Avis
5. Leila Ben-Hassel
6. Alison Butler
7. Janet Campbell
8. Robert Canning
9. Sherwan Chowdhury
10. Chris Clark
11. Pat Clouder
12. Stuart Collins
13. Mary Croos
14. Patsy Cummings
15. Nina Degrads
16. Jerry Fitzpatrick
17. Sean Fitzsimons
18. Alisa Flemming
19. Felicity Flynn
20. Clive Fraser
21. Simon Hall
22. Patricia Hay-Justice
23. Maddie Henson
24. Karen Jewitt
25. Humayun Kabir
26. Bernadette Khan
27. Shafi Khan
28. Stuart King
29. Toni Letts
30. Oliver Lewis
31. Stephen Mann
32. Tony Newman
33. Andrew Pelling
34. Joy Prince
35. Pat Ryan
36. Paul Scott
37. Manju Shahul-Hameed
38. Niroshan Sirisena
39. David Wood
40. Louisa Woodley
41. Callton Young

Conservative Political Party

1. Jeet Bains
2. Sue Bennett
3. Margaret Bird
4. Simon Brew
5. Jan Buttinger
6. Richard Chatterjee
7. Luke Clancy
8. Mario Creatura
9. Jason Cummings
10. Maria Gatland
11. Lynne Hale
12. Simon Hoar
13. Steve Hollands
14. Yvette Hopley
15. Stuart Millson
16. Vidhi Mohan
17. Michela Neal
18. Steve O'Connell
19. Oni Oviri
20. Ian Parker
21. Jason Perry
22. Helen Pollard
23. Tim Pollard
24. Badsha Quadir
25. Helen Redfern
26. Scott Roche
27. Andy Stranack
28. Gareth Streeter
29. Robert Ward

4. Proportionality

4.1 Section 15 of the Local Government and Housing Act 1989 (Duty to Allocate Seats to Political Groups) sets out the requirements as to political proportionality on Council bodies and requires the Council, in allocating seats on committees and sub-committees of the Council to political groups, to give effect, so far as practicable, to the following rules:

- (i) that not all seats on the committee/sub-committee are allocated to the same political group;
- (ii) that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
- (iii) that, subject to (i) and (ii) above, the number of seats on the Council's committees and sub-committees allocated to each political group, bears the same proportion to the total number of such committee/sub-committee seats as the number of members of that group bears to the membership of the full Council, and
- (iv) that, subject to (i) to (iii) above, that the number of the seats on the Council's committees and sub-committees 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 The Council's overriding duty to comply with (i) and (ii) above takes precedence over achieving a mathematically balanced distribution of Committee seats as described in (iii) and (iv). Applying those rules the table below sets out the allocation of seats.

| | Political Composition- percentage seats out of 70 | Proposed allocation of actual seats out of 95 Council Member seats | Percentage outcome of allocation of 95 voting seats* |
|--------------------|--|---|---|
| Labour Group | 58.6% | 59 | 62.1 |
| Conservative Group | 41.4% | 36 | 37.9 |
| | 100% | 95 | 100 |

*4.7 below shows that there are 95 voting seats available to political groups. Where co-optees can vote, the allocation has to take into account the need for the Majority party to have a majority of seats over all Minority party members **and** co-opted members. The proposed percentage allocation only includes those seats to which elected Members can be appointed.

- 4.3 Following the introduction of the Localism Act 2011, the requirement for the Ethics Committee to be excluded from the requirements of the 1989 Act was removed such that the political balance requirements of the 1989 Act do apply to the Ethics Committee unless the whole Council votes in favour of disapplying the proportionality rules for this Committee. The Ethics Committee is constituted of six Councillors and two non-elected Independent persons.
- 4.4 Under the Licensing Act 2003, Sub-Committees of the Licensing Committee are constituted separately. There is no statutory requirement for political balance or for it to be included in the Council's political balance calculations, but it is the practice of the authority to ensure that, as far as reasonably practicable, such Sub-Committees are constituted in accordance with the Council's scheme of proportionality.
- 4.5 The Health & Well-Being Board is separately constituted under the Health and Social Care Act 2012. Regulations made under the Health and Social Act 2012 provide that Section 15 of the Local Government and Housing Act 1989 (Duty to Allocate Seats to Political Groups) need not apply to the composition of this Board.
- 4.6 The Local Pension Board is constituted under the Public Service Pensions Act 2013 and the Local Government Pensions Scheme (Amendment) Regulations 2015. The proportionality rules do not apply to the Board which has three employer representatives and three employee representatives and an Independent non-voting Chair. One of the Employer representatives is a Councillor. The other employer representatives are employers who are Admitted Bodies.
- 4.7 In accordance with Article 4.01(f) of the Constitution, the Council is required to decide on the composition of Committees and make appointments to them. It is therefore proposed that Council appoint the following Committees and agree their composition:

| | Majority seats | Minority seats | Co-optees ¹ | Total seats |
|---|----------------|----------------|------------------------|-------------|
| Appointments Committee | 4 | 2 | 2 | 8 |
| Ethics Committee | 4 | 2 | 2 | 8 |
| General Purposes & Audit Committee | 6 | 4 | 2 | 12 |
| Mayoralty & Honorary Freeman Selection Sub-Committee | 3 | 2 | 0 | 5 |
| General Purposes & Audit Committee: Urgency Sub-Committee | 2 | 1 | 0 | 3 |
| Licensing Committee | 7 | 5 | 0 | 12 |
| Licensing Sub-Committee* | 2 | 1 | 0 | 3 |
| Pension Committee | 5 | 3 | 3 | 11 |
| Planning Committee | 6 | 4 | 0 | 10 |
| Planning Sub-Committee | 3 | 2 | 0 | 5 |
| Scrutiny and Overview Committee | 4 | 2 | 1 | 7 |
| Children and Young People Scrutiny Sub-Committee | 5 | 3 | 5 | 13 |
| Health & Social Care Scrutiny Sub-Committee | 4 | 2 | 1 | 7 |
| Streets, Environment & Homes Scrutiny Sub-Committee | 4 | 3 | 0 | 7 |
| | 59 | 36 | 16 | 111 |

* subject to paragraph 4.4 above

5. LEGAL IMPLICATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance and Deputy Monitoring Officer that the recommendations contained within this report are compliant with Council's duties under the Local Government and Housing Act 1989, Local Government (Committees and Political Groups) Regulations 1990, the Local Government Act 2000, the Licensing Act 2003, the Health and Social Care Act 2012, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and the Council's Constitution.
- 5.2 Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

¹ Co-opted members are non-voting except for four of the five co-optees on the Children & Young People Scrutiny Sub-Committee in respect of issues relating to the Council as a Local Education Authority; one Pensioner Side co-opted Member on the Pension Committee; and the two Independent Persons, on the Appointment Committee, for specified purposes, as detailed in paragraph 1.4, Part 4E and paragraph 2, Part 3 of the Council Constitution respectively.

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BACKGROUND DOCUMENTS: None
