

WAVERLEY BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

15 MAY 2018

Title:

PROPORTIONALITY ON COMMITTEES AND ALLOCATION OF SEATS

[Portfolio Holder: Cllr Julia Potts]

[Wards affected: All]

Summary and purpose:

The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically the representation of the political groups on their Committees and Sub-Committees to ensure that seats are allocated in the same proportion as that in which the council as a whole is divided.

The Council is required to confirm the proportional allocation of seats on the principal Committees and to agree the constitution of the Committees.

How this report relates to the Council's Corporate Priorities:

The corporate governance of the Council provides the basis of the Council's work towards achieving all the Corporate Priorities.

Equality and Diversity Implications:

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. This is fundamental to the Council being able to meet its statutory responsibilities.

Financial Implications:

The cost of servicing the Council's Committees will be met through existing budgets.

Legal Implications:

The legal implications are set out in the body of the report.

Background

Allocation of Seats

1. Political Groups on the Council are formed in accordance with the Local Government (Committee and Political Groups) Regulations 1990 when two or more councillors notify the Head of Policy & Governance, the Proper Officer, of their wish to be treated as a group.

2. Section 15(1) of the Local Government and Housing Act 1989 (LG&HA1989) imposes a duty on the local authority to review the allocation of seats on the committees of the Council between the political groups at its annual meeting or as soon as possible thereafter. The Council may carry out such a review at any other time and may do so if requested by a political group.
3. The following principles apply to the allocation of seats (LG&HA1989, s15(5)):
 - (a) *Preventing domination by a single group*: That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) *Ensuring a majority group enjoys a majority on all committees*: That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) *Aggregating all committee places and allocating fair shares*: That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) *Ensuring as far as practicable fairness on each committee*: Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
4. The calculation of the proportional allocation of committee seats excludes the following committees which are not required to be politically proportional: Executive, Standards, the Area Planning Committees and the Surrey County Council Local Committee. While the Appeals Panel falls outside of the scope of the LG&HA1989 (Schedule 1 Paragraph 1 of the Act), Waverley's constitution provides that the membership of the Panel will be politically proportionate. Where there are Sub-committees of the Principal Committees these are also governed by the political balance rules, with the exception of the Licensing Sub-Committees. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.
5. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

Political proportionality

6. Following the resignation of Cllr John Williamson, there is currently a vacant seat for the Farnham Castle Ward. The by-election will be held on Thursday 24 May 2018, and the political proportionality of the Council will be reviewed once the result is known, and a report made to the meeting of Council in July 2018.

7. The current political balance of the Council is:

	Conservative Group	Farnham Residents	Liberal Democrat	Vacancy	Total
No. of seats on the Council	50	5	1	1	57
Proportionality	87.72%	8.77%	1.75%	1.75%	100.00%

8. Annexe 1 shows the allocation of seats and the proportionality. On the basis of 79 seats on all relevant committees, the aggregate number of committee seats allocated to each group in accordance with *aggregation* principle (c) in paragraph 3 above, would be 69 seats for the Conservative Group, 7 seats for the Farnham Residents, and 1 each for the Liberal Democrat and the Vacancy (one seat fewer than the total number of seats available due to rounding).

9. As set out in Annexe 1, at the aggregate level the allocation of that remaining seat is shared almost equally between the Conservative Group (0.3), the Lib Dem (0.39) and the Vacancy (0.39) (those proportions adding to slightly more than 1 due to the Farnham Residents aggregate allocation being slightly under 1). As the extra seat arises as a result of the vacancy and in order to reconcile the proportions without disproportionately giving the extra seat to any one party, the extra seat remains vacant. This means 2 committee seats remain vacant pending the re-calculation in light of the by-election outcome.

10. Annexe 1 also shows the breakdown of the proportional allocations across the principal committees.

Area Planning Committees

11. The allocation of seats on the Area Planning Committees is calculated for each area.

Area Committee	No. of seats*	No. of ward cllrs	Conservative	Farnham Resident	Lib Dem	Vacancy	Total Allocation*
Eastern	12	12	12	0	0	0	12
Southern	10	11	11	0	0	0	10

Central and Western Area Planning Committees have more ward councillors than committee seats available, and there is at least one ward councillor who is not a member of the Conservative Group. Within the Committee Areas, the political proportions are calculated as follow:

Allocation of seats on Central Area Planning Committee:

15 **Conservative** / 16 ward seats = 0.9375% x 13 = **12** (rounded to whole number)

1 **Liberal Democrat** / 16 ward seats = 0.0625% x 13 = **1** (rounded to whole number)

Allocation of seats on Western Area Planning Committee (to be re-calculated following the by-election on 24 May 2018)

12 **Conservative** / 18 ward seats = 0.667% x 13 = 8.671 = **9** (rounded to whole number)

5 **Farnham Resident** / 18 ward seats = 0.278% x 13 = 3.614 = **4** (rounded to whole number)

1 **Vacancy** / 18 ward seats = 0.055% x 13 = 0.715 = **1** (rounded to whole number)

12. As this calculation shows each of the group allocations being rounded up to the nearest whole number, this results in the total number of places being 14. This, however, exceeds the total number of seats on the Committee, which is 13. Therefore the group with the lowest proportion of a seat is rounded down. This results in the membership of Western Area Planning Committee being Conservative 9 places, Farnham Residents 3 places and Vacancy 1 place.

Area Committee	No. of seats*	No. of ward cllrs	Conservative	Farnham Resident	Lib Dem	Vacancy	Total Allocation*
Central	13	16	12	0	1	0	13
Western	13	18	9	3	0	1	13

*excluding the Chairman or Vice-Chairman from the paired committee

Appointments to Committee Places

13. The Local Government & Housing Act 1989 requires that once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
14. Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations are detailed at Annexe 2 and Annexe 3 and recommended to the Council for approval.
15. The Executive, Standards Panel, Emergency Advisory Group, and Investment Advisory Board are not required to be proportional and so are outside of the political balance calculation. The Appeals Panel falls outside the scope of the Local Government and Housing Act, however in accordance with Article 9A of the Waverley Borough Council Constitution, is politically proportionate.

Standards Panel

16. There are 8 seats on the Standards Panel, which are allocated to the majority group. At the Annual Council Meeting on 13 May 2014, it was agreed that one additional place on the Standards Panel be offered on an ex-officio basis to the Leader of the Principal Opposition Group.

Other Committees

17. In addition to the above Committees, there is also the:

Appeals Panel	4 members from a pool of 12
Emergency Advisory Group	4 members
Investment Advisory Board	6 members

The proposed membership of these committees is set out at Annexe 2.

18. Members of the Licensing and Regulatory Committee are required to agree the membership of the Licensing (General Purposes) Sub-Committee and the Licensing Act Sub-Committees, as detailed in Annexe 3.

Surrey County Council Local Committee

19. It is necessary to re-appoint the Waverley members on the Surrey County Council Waverley Local Committee (serviced by the County Council). Waverley has an entitlement of 9 seats. The appointment is subject to the political proportionality calculations.

Recommendation

The Council is recommended to:

1. **NOTE the proportional allocation of seats on the principal Committees and the Area Planning Committees;**
2. **AGREE the nominations to the Principal Committees and Area Planning Committees for the 2018/19 year received from the political groups, as detailed in Annexe 2;**
3. **NOTE that nominations will be reviewed in light of following the by-election on 24 May 2018 and agreed at the July 2018 Council meeting; and**
4. **AGREE the nominations to the Standards Panel, Appeals Panel, Emergency Advisory Group, Investment Advisory Board and Surrey County Council Local Committee as detailed in Annexe 2.**

Members of the Licensing and Regulatory Committee (as set out in Annexe 2) are recommended to:

5. **AGREE the Licensing (General Purposes) and Licensing Act Sub-Committees be constituted as indicated in Annexe 3.**

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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