

WAVERLEY BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

21 MAY 2019

Title:

PROPORTIONALITY ON COMMITTEES AND ALLOCATION OF SEATS

[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 their composition.

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

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 Principal 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*: That, subject to (a) to (c), the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
4. There is a total of 88 committee seats available on the Council's Principal Committees (four Overview & Scrutiny Committees, Audit, Standards, Licensing & Regulatory and Joint Planning Committees). The calculation of the proportional allocation of committee seats excludes the Executive and the Area Planning Committees, which are not required to be politically proportional. 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.
5. 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.

Political proportionality

6. The Conservative Group, the Farnham Residents' Group, the Liberal Democrat Group, the Green Party Group and the Labour Group have registered under the provisions of the Local Government and Housing Act 1989. There is one Independent Member of the Council.
7. The political breakdown of the Council is shown below, together with the rounded total number of committee seats per group:

	Cons.	Farnham Residents	Lib. Dem.	Green	Labour	Ind.	Total
No. of seats on the Council	23	15	14	2	2	1	57
Proportion	40.35%	26.32%	24.56%	3.51%	3.51%	1.75%	100.00%
No. of committee seats	35	23	22	3	3	2	88

8. Seats are allocated to each committee as shown below, and following consultation 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 in order to accommodate various rounding errors.

	Cons.	Farnham Residents	Lib. Dem.	Green	Labour	Ind.	Total
No. of committee seats	35	23	22	3	3	2	88
VFM & Cust. Service O&S	3	3	3	0	0	0	9
Community Wellbeing O&S	4	2	2	0	1	0	9
Environment O&S	4	2	2	1	0	0	9
Housing O&S	4	2	2	0	0	1	9
Licensing & Regulatory Committee	4	3	3	1	0	1	12
Audit Committee	3	2	2	0	1	0	8
Standards Committee	4	3	2	0	0	0	9
Joint Planning Committee	9	6	6	1	1	0	23

Appointments to Committee Places

- 9 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. The nominations of the Group Leaders are shown on [Annexe 1](#) and recommended to Council for approval.

Area Planning Committees

10. The allocation of seats on the Area Planning Committees is calculated for each area. All the ward councillors in the Eastern Area are appointed to the Eastern Area Planning Committee. The Central, Southern and Western Area Planning Committees have more ward councillors than committee seats available. The committee seats for these three committees are allocated according to the political proportionality of the council seats within the relevant geographical area.

Area Cttee	No. of seats*	No. of ward cllrs	Cons.	Farn. Res.	Lib. Dem.	Green	Labour	Ind.	Total
Eastern	12	12	9	0	2	1	0	0	12
Central	13	16	5	0	5	1	1	1	13
Southern	10	11	6	0	4	0	0	0	10
Western	13	18	1	11	1	0	0	0	13

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

Allocation of seats on Central Area Planning Committee:

6 **Conservative** / 16 ward seats = $0.375 \times 13 = 5$ (rounded to whole number)

6 LibDem/16 ward seats = $0.375 \times 13 = 5$ (rounded to whole number)

4 Other / 16 ward seats = $0.25 \times 13 = 3$ (rounded to whole number)

Allocation of seats on Southern Area Planning Committee:

7 **Conservative** / 11 ward seats = $0.636 \times 10 = 6$ (rounded to whole number)

4 LibDem / 11 ward seats = $0.364 \times 10 = 4$ (rounded to whole number)

Allocation of seats on Western Area Planning Committee

1 **Conservative** /18 ward seats = $0.056 \times 13 = 0.722 = 1$ (rounded to whole number)

15 Farnham Resident/18 ward seats = $0.833 \times 13 = 10.83 = 11$ (rounded to whole number)

2 Lib Dem/ 18 ward seats = $0.111 \times 13 = 1.444 = 1$ (rounded to whole number)

Other Committees

11. The Appeals Panel also 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. The proposed membership of the Appeals Panel is set out at Annexe 1.
12. The Licensing and Regulatory Committee will agree the membership of the Licensing (General Purposes) Sub-Committee and the Licensing Act Sub-Committees at its first meeting, on 17 June 2019.
13. The Council has established a number of Boards that advise the Executive on specific areas of business. Members of these Boards – Investment Advisory Board, CIL Advisory Board, Housing Delivery Board, Air Quality Steering Group, and Emergency Advisory Group – are not politically proportional and will be appointed by the Executive in due course.

Surrey County Council Local Committee

14. It is necessary to appoint the Waverley members on the Surrey County Council Waverley Local Committee. Waverley has an entitlement of 9 seats. The appointment is subject to the political proportionality calculations. The nominations of the Group Leaders to Waverley's seats on the SCC Local Committee are shown on Annexe 1.

Recommendation

The Council is recommended to:

1. **NOTE** the proportional allocation of seats on the principal Committees and the Area Planning Committees in accordance with the political proportionality of the Council;
2. **AGREE** the nominations to the Principal Committees and Area Planning Committees for the 2019/20 year received from the political groups, as detailed in Annexe 1; and
3. **AGREE** the nominations to the Appeals Panel and Surrey County Council Local Committee as detailed in Annexe 1.

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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