

COUNCIL BUSINESS COMMITTEE

Allocation of Seats to Political Parties: PR Calculation

3 November 2016

Report of Democratic Services Manager

PURPOSE OF REPORT

To enable the Committee to consider a change to the current arrangements for presenting Proportional Representation (PR) calculations to Council and to approve some necessary changes to the wording in Part 6, Section 3 of the Council's Constitution relating to PR.

This report is public.

RECOMMENDATIONS

- (1) That the Committee considers whether it wishes to amend the Constitution as suggested in paragraph 3.3 of the report.**
- (2) That the Monitoring Officer be authorised to make any necessary amendments to Part 6, Section 3 of the Council's Constitution as a result of (1) above, and to make the other amendments noted in Paragraph 4 of the report.**

1.0 Introduction

- 1.1 At the last Council meeting (28 September 2016), there was a report re-calculating the allocation of seats on Committees as a result of the resignation of an Elected Member.
- 1.2 Members asked whether it was necessary to bring the report to Council, given that a by-election was to be held on 13 October 2016.
- 1.3 Officers explained that the report was necessary to comply with the Council's Constitution, which states that:

"In accordance with Section 15 of the Local Government and Housing Act 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990, a review of the PR calculation will be carried out on an annual basis at the Council's Annual Meeting and as soon as practicable following notification of any changes to the political makeup of the Council, providing at least one month has elapsed since the previous review has been carried out."

(Calculation of PR, Part 6, Section 3 Paragraph 3.11, attached).

2.0 The Current Arrangements

- 2.1 A PR report is brought to Council whenever there is a change to the political makeup of the Council. So for example when a vacancy arises a PR report is taken to Council, and then once the vacancy is filled a further PR report is taken to Council.
- 2.2 This means that on occasions when a seat is vacated by one party member and the seat is filled at a by-election by another member of the same party this creates an administrative workload, and takes up time at a Council meeting, sometimes for little or no effect.

3.0 Proposals to Change the Current Arrangements

- 3.1 Two proposed courses of action were raised at Council by Members. One proposal was to amend the Constitution so that a re-calculation of PR would no longer be required on notification of a vacancy (for whatever reason), and would only be required after the by-election or four-yearly election where the vacancy is filled resulting in a change to the political makeup of the Council.
- 3.2 This will mean that when a member ceases to be a Councillor, for whatever reason, a recalculation will be done at the point when the Proper Officer is informed of a change to the membership of a political group following a by-election or four-yearly election, which results in a change to the political makeup of the Council, and is requested to review the Council's PR.
- 3.3 This proposal falls within one of the requirements to review under The Local Government (Committees and Political Groups) Regulations 1990, and it is suggested that the wording of the Constitution (set out in 1.3 above in italics) would be changed to:

"In accordance with Section 15 of the Local Government and Housing Act 1989 a review of the PR calculation will be carried out on an annual basis at the Council's Annual Meeting, and as soon as practicable after notification is received by the Proper Officer pursuant to The Local Government (Committees and Political Groups) Regulations 1990."

- 3.4 The second proposal was to bring a report to this Committee each time a vacancy occurred, and for this Committee to decide whether a new calculation was required to go to Council before the by-election or not. However, as this Committee only meets three times a year, this would not be a practical option. The matter could be dealt with as urgent business between meetings, but urgent business decisions are taken by the Chief Executive, albeit in consultation with the Chairman of the Committee, and the feeling at the Council meeting appeared to be that Members would want to make the decision themselves. An Extraordinary meeting of Council Business Committee is also likely to be impractical because of the length of time required to arrange the meeting and comply with the Access to Information Procedure Rules (five clear working days must elapse after publication of the agenda).

4.0 Other Amendments

- 4.1 When consulting Part 6, Section 3 of the Constitution to look at the PR rules,

the Monitoring Officer has noticed that there are some minor amendments to be made. Paragraph 3.5 (b) refers to the number of Councillors on the Planning and Highways Regulatory Committee being 20. This reduced some years ago from 20 to 15 Councillors and should be amended accordingly.

- 4.2 Paragraphs 3.9 and 3.10 require deleting following the abolition of the old standards regime. The Council's Standards Committee is now established under the Local Government Act 1972 and is subject to the political balance rules.

5.0 Conclusion

- 5.1 If Committee Members feel that PR recalculations should be undertaken only when the figures have changed after an election or by-election - not at the point when a vacancy has occurred - then the Committee should authorise the Monitoring Officer to make the necessary changes to Part 6 Section 3 of Constitution to effect that, as well as the other amendments outlined in paragraph 4.0.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

LEGAL IMPLICATIONS

The Local Government and Housing Act 1989 provides that the Council must review the representation of the different political groups on those bodies to which it makes appointments at each Annual Council or as soon as practicable after the meeting. Further, The Local Government (Committees and Political Groups) Regulations 1990 provides that the duty to review the allocation of seats to political groups must also be carried out when the Proper Officer is served with a notice (i) under regulation 8 (constitution of a political group), or (ii) under regulation 9(b) (member wishing to join a political group) together with a further notice requesting a review under section 15 of the Local Government and Housing Act 1989.

FINANCIAL IMPLICATIONS

None.

OTHER RESOURCE IMPLICATIONS

Human Resources: None

Information Services: None

Property: None

Open Spaces: None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has prepared this report in her role as Democratic Services Manager.

BACKGROUND PAPERS

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