

Full Council

08 July 2020

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Changes to the Political Balance of the Council, July 2020

Final Decision-Maker	Full Council
Lead Member	Councillor Tom Dawlings – Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Jane Clarke – Head of Policy and Governance
Lead Officer/Author	Mathew Jefferys – Democratic and Electoral Services Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the allocation of seats on committees as set out in paragraph 2.12 of the report be approved;
2. That the changes to the appointments to committees as set out at Appendix A to the report be noted;
3. That the appointments to Working Groups of Cabinet and the allocation of Cabinet Portfolios made by the Leader of the Council, as set out at Appendices B and C to the report, be noted.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- A confident Borough

Timetable

Meeting	Date
Council	08 July 2020

Changes to the Political Balance of the Council, July 2020

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report set out the results of a review of the political balance of the Council and advises of the necessary changes to the appointments to committees.

2. INTRODUCTION AND BACKGROUND

Context

- 2.1 The local elections in 2019 were cancelled under the Coronavirus Act 2020. Councils were also given the discretion to delay their Annual Meetings. Where an Annual Meeting was delayed, any appointments that were due to expire were automatically carried over.
- 2.2 As a result of the passing of Councillor Horwood (leaving the seat vacant) and Councillor Bruneau joining the Conservative Party (previously an independent), a review of the political balance of the Council has been undertaken.

Political Balance

- 2.3 The political balance of the Council is now as follows:

Political Party	Number of seats on the Council	Proportion expressed as a percentage
Conservatives	28	59.57%
Liberal Democrats	9	19.15%
Labour	4	8.51%
Tunbridge Wells Alliance	4	8.51%
Independent	2	4.26%
Totals	47 (+1 vacancy)	100%

- 2.4 The political balance legislation requires that committees are established to reflect the overall political balance of the Council. The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules.
- 2.5 Section 15(5) of the Local Government and Housing Act 1989 sets out four rules, and requires authorities to apply them in descending order of priority:
1. When some or all of the members of an authority have formed into two or more political groups, then no committee may comprise just members from one political group;
 2. Where a majority of members of the Council are members of one political group, that political group must have a majority of the seats on each committee;

3. Without being inconsistent with the first two rules, the number of seats allocated to each political group on all the committees taken together be as near as possible proportionate to their strength on the Council; and
4. So far as is consistent with rules 1-3, each political party must be allocated that number of seats on each committee taken individually as is proportionate to their strength on the Council.

Allocation of seats on committees

- 2.6 For the purposes of allocating seats, the Cabinet Advisory Boards are committees of the Full Council and must be treated in the same way as all other committees.
- 2.7 The allocation applies in respect of the number of 'ordinary' seats, but not including substitute seats.
- 2.8 The total allocation of seats applied to each political group does not include the Cabinet (or any Cabinet sub-committees, working groups or Executive appointments), which are not subject to the statutory rules on political balance.
- 2.9 The table below sets out the total number of applicable committee seats:

Applicable committees	Total number of seats on each committee
Appeals Committee	5
Audit & Governance Committee	8
General Purposes Committee	8
Investigating & Disciplinary Committee	5
Licensing Committee	15
Overview & Scrutiny Committee	12
Planning Committee	14
Communities & Economic Development Cabinet Advisory Board	11
Finance & Governance Cabinet Advisory Board	11
Planning & Transportation Cabinet Advisory Board	11
Total	100

- 2.10 The table below sets out the overall allocation of seats to each political group across all committees, in accordance with the above political balance (rule 3):

Political group	Overall allocation of seats to all committees
Conservatives	60
Liberal Democrats	19
Labour	9
Tunbridge Wells Alliance	9
Unallocated seats	3
Total	100

2.11 A political group can only be formed if it has at least two elected members. The political balance legislation requires that the unallocated seats are given to those members who are not part of a political group.

2.12 The table below sets out the allocation of seats to each political group and independents on each committee, in accordance with the above political balance (rule 4):

Committees	CON	LIB	LAB	TWA	IND
Appeals Committee	3	1	0	1	0
Audit & Governance Committee	5	1	1	1	0
General Purposes Committee	4	2	1	1	0
Investigating & Disciplinary Committee	3	1	1	0	0
Licensing Committee	9	3	1	1	1
Overview & Scrutiny Committee	7	2	1	1	1
Planning Committee	8	3	1	1	1
Communities & Economic Development C.A.B.	7	2	1	1	0
Finance & Governance C.A.B.	7	2	1	1	0
Planning & Transportation C.A.B.	7	2	1	1	0
Total	60	19	9	9	3

Other considerations

2.13 The Council's Constitution requires the membership of the Planning Committee to consist of seven members each from the Eastern and the Western areas of the Borough. (TWBC Constitution, Part 3, paragraph 4.3, page 12.)

2.14 Each of the Cabinet Advisory Boards must include at least 8 non-Executive members, plus the relevant Cabinet Portfolio Holder who will be the Chairman. (TWBC Constitution, Part 3, paragraph 3.2, page 10.)

2.15 Other considerations are secondary to the political balance rules noted at paragraph 2.5.

Summary of key changes

2.16 Whilst the effect on the overall balance of the Council is small, the changes have tipped the balance in a number of committees where the allocation had previously been rounded up or down as appropriate.

2.17 The table below sets out the changes to particular committees as a result of rebalancing:

	CON	LIB	TWA	LAB	IND
General Purposes Committee	-1		+1	+1	-1
Communities & Economic Development C.A.B.	+1				-1
Finance and Governance C.A.B.	+1				-1
Planning and Transportation C.A.B.	+1				-1

Appointments to Committees

- 2.18 The four political group leaders and the independent members were provided with a notice indicating the above politically balanced allocations of seats to each committee. The nominations from each group leader are compiled into a full list, Appendix A, for Full Council to note.
- 2.19 Appointments to Working Groups of the Cabinet are executive functions and made by the Leader of the Council. They are not subject to political balance but it remains the policy of the Cabinet to maintain a cross-party approach and Working Groups consist of a broadly balanced representation.
- 2.20 Appointments made by the Leader of the Council to the Working Parties of the Cabinet and allocation of the Cabinet Portfolios are set out at Appendices B and C for noting.
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3. AVAILABLE OPTIONS

- 3.1 The calculation of political balance (paragraph 2.9) is a statutory process and not subject to approval. However, the rounding applied to actual seats (paragraph 2.12) is for agreement by the Council.
- 3.2 In order for the Council to conduct its business and for the committees to function, formal appointments need to be made to each committee, according to the allocation of seats set out and with a membership determined by each political group leader.
- 3.3 Individual appointees may be substituted at any time provided the political balance is maintained.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That appointments be made to each committee, as set out. Appointees have been consulted by their respective political groups.
- 4.2 The political balance legislation is particularly prescriptive and leaves little opportunity for discretion. The recommendations are based on best practice in accordance with the legislation.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 As an internal matter, no public consultation is required. Members have been consulted.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION

- 6.1 The Council's decision will take effect immediately and be communicated through the publication of the minutes.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The allocation of seats and the appointment of councillors to committees is a statutory requirement, set out in the Local Government and Housing Act 1989, section 15. The Council has a duty to allocate seats to certain committees and ensure that the allocation is proportional to the seats attained for the Council. The appointment to these committees should reflect the wishes of the political groups – Local Government (Committees and Political Groups) Regulations 1990 (as amended).	Keith Trowell, Team Leader (Corporate Governance), MKLS 30 July 2020
Finance and other resources	There are no specific implications as a result of this decision.	Mark O'Callaghan, Scrutiny and Engagement Officer 30 July 2020
Staffing establishment		
Risk management		
Data Protection		
Environment and sustainability		
Community safety		
Health and Safety		
Health and wellbeing		
Equalities		

8. REPORT APPENDICES

The following documents are to be published with, and form part of, the report:

- Appendix A – Appointments to committees (politically balanced)
- Appendix B – Appointments to working groups of the Cabinet made by the Leader
- Appendix C – Allocation of Cabinet Portfolios made by the Leader

9. BACKGROUND PAPERS

- None