

Changes to Appointments to Committees (August 2022)

For Full Council on Wednesday 5 October 2022

Summary

Lead Member: Ben Chapelard – Leader of the Council

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Head of Service: Jane Clarke – Head of Policy and Governance

Report Author: Renee Dillon – Democratic & Executive Support Manager

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Political Groups	Mid August - May 2023
Full Council	5 October 2022

Recommendations

Officer recommendations as supported by political Group Leaders:

1. That the allocation of seats to Committees (political balance), as set out at paragraph 3.7 of the report, be approved.
2. That the appointments to Committees, nominated by Group Leaders, including the Chairmanships and Vice-Chairmanships of the Committees as set out at appendix A to the report, be approved.

1. Introduction and Background

- 1.1 This report sets out the process for the appointment of Councillors to Committees in accordance with political balance legislation.

2. Political Balance

- 2.1 As a result of a number of changes within the political groups, along with Councillor resignations as of August 2022 the political balance of the Council is as follows:

Political Party	Number of seats on the Council	Proportion expressed as a percentage
Liberal Democrats	15	31.25%
Conservative	13	27.08%
Tunbridge Wells Alliance	9	18.75%
Labour	7	14.58%
Independent Members (no political Group)	4	8.22%
Totals	48	99.99%

- 2.2 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.
- 2.3 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.

3. Allocation of Seats on Committees

- 3.1 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.
- 3.2 The allocation applies in respect of the number of 'ordinary' seats, but not including substitute seats.
- 3.3 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.
- 3.4 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

- 3.5 The table below sets out the overall allocation of seats to each political group across all committees (rounded up/down to the nearest whole seat), in accordance with the above political balance (rule 3):

Political group	Overall allocation of seats to all committees
Liberal Democrats	31
Conservatives	27
Tunbridge Wells Alliance	19
Labour	15
Unallocated seats	8
Total	100

- 3.6 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.
- 3.7 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) – which must be consistent with the totals in the table under paragraph 3.5 (rule 3).

Committees	Lib Dem	Lib Dem AUG	CON	TWA	LAB	Ind	Ind AUG
Appeals Committee	2	2	1	1	1	0	0
Audit & Governance Committee	3	3	2	2	1	0	0
General Purposes Committee	2	2	3	1	1	1	1
Investigating & Disciplinary Committee	2	2	1	1	1	0	0
Licensing Committee	4	4	4	3	1	3	3
Overview & Scrutiny Committee	4	4	3	2	2	1	1
Planning Committee	5	5	3	3	2	1	1
Communities & Economic Development C.A.B.	3	3	4	2	2	0	0
Finance & Governance C.A.B.	4	3	3	2	2	0	1
Planning & Transportation C.A.B.	4	3	3	2	2	0	1
Total	33	31	27	19	15	6	8
Total para 3.5		31					8

4. Appointments to Committees

- 4.1 The Council's Constitution further 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).
- 4.2 The membership 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).
- 4.3 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 the approval of the Full Council.

5. Options Considered

- 5.1 The calculation of political balance is a statutory process and not subject to approval. However, the rounding applied to actual seats is for agreement by the Council.
- 5.2 Two individual Committee rounding's have resulted in the Liberal Democrats losing seats which have been distributed to the Independent members as per the rules.
- 5.3 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.
- 5.4 Individual appointees may be substituted provided the political balance is maintained.

6. Consultation on Options

- 6.1 As this is an internal procedure, no consultation is required.

7. Implementation

- 7.1 The decisions of Full Council will come into effect immediately, and the results will be published to the Council's website.

8. Appendices and Background Documents

Appendices:

- Appendix A: Appointments to Committees, August 2022.

Exempt appendices (if any):

- None

Background Papers:

- None

9. Cross Cutting Issues

A. Legal (including the 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).

All other legal considerations are set out in the main body of the report.

Claudette Valmond, Interim Head of Legal Services, 15 February 2022

B. Other Implications (Finance and Other Resources, Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety. Health and Wellbeing)

There are no significant cross-cutting implications as a direct result of this report.

Renee Dillon Democratic Services Manager 15 February 2022.