

# Changes to Appointments to Committees (March 2024)

For Full Council on Wednesday 3 April 2024.

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## Summary

**Lead Member:** Ben Chapelard – Leader of the Council

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

**Head of Service:** Andy Sturtivant – Head of Governance and Democratic Service.

**Report Author:** Renee Dillon – Democratic & Executive Support Manager

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Political Groups	21 March 2024
Full Council	3 April 2024

## Recommendations

Officer recommendations as supported by political Group Leaders

1. That the allocation of seats to Committees (political balance), as set out in paragraph 3.7 of 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 March 2024 the political balance of the Council is as follows:

Political Party	Number of seats on the Council	Proportion expressed as a percentage
Liberal Democrats	17	35.41%
Conservative	11	22.92%
Tunbridge Wells Alliance	9	18.75%
Labour	7	14.58%
Independents for TW	2	4.16%
Independent Members (no political Group)	2	4.16%
<b>Totals</b>	<b>48</b>	<b>99.98%</b>

- 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
<b>Total</b>	<b>100</b>

- 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):

<b>Political group</b>	<b>Overall allocation of seats to all committees</b>
Liberal Democrats	35
Conservatives	23
Tunbridge Wells Alliance	19
Labour	15
Independents for TW	4
Unallocated seats	4
<b>Total</b>	<b>100</b>

- 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).
- 3.8 As a result of Councillor Wakeman’s resignation from the TWA group to join Independents for Tunbridge Wells the following changes have been made to the Political Balance
- 3.9 As a result of the rounding independents of TWA gained seats in the following committees, Licensing, Overview and Scrutiny, and Finance and Governance CAB
- 3.10 The Independent Members seats have also been adjusted and have been allocated seats in the following committees, Licensing, Planning, and Planning and Transportation CAB

<b>Committees</b>	<b>Lib Dem</b>	<b>CON</b>	<b>TWA</b>	<b>LAB</b>	<b>IFTW</b>	<b>Ind</b>
Appeals Committee	2	1	1	1	0	0
Audit & Governance Committee	3	2	2	1	0	0
General Purposes Committee	3	2	2	1	0	0

Investigating & Disciplinary Committee	2	1	1	1	0	0
Licensing Committee	5	3	3	2	1	1
Overview & Scrutiny Committee	4	3	3	2	1	0
Planning Committee	5	3	3	2	0	1
Communities & Economic Development C.A.B.	4	3	2	2	0	0
Finance & Governance C.A.B.	3	3	2	2	1	0
Planning & Transportation C.A.B.	4	2	2	1	0	1
<b>Total</b>	<b>35</b>	<b>23</b>	<b>19</b>	<b>15</b>	<b>4</b>	<b>4</b>
<b>Total para 3.5</b>	<b>35</b>	<b>23</b>	<b>21</b>	<b>15</b>	<b>3</b>	<b>3</b>
<b>Adjustments required</b>					<b>-1</b>	<b>-1</b>

## 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 roundings 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:

- None

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, Head of Legal Services, 21 March 2024.

## **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 21 March 2024