

# Arun District Council

<b>REPORT TO:</b>	<b>Full Council</b>
<b>SUBJECT:</b>	<b>Review of Entitlement of Political Groups to Seats on Committees – Proportionality and Appointments to Committees</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge, Group Head of Law and Governance (Monitoring Officer)</b>
<b>LEAD MEMBER:</b>	<b>N/A</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
This report seeks to address changes in proportionality and to agree revised committee allocations following the result of the Arundel and Walberton by-election on 1 December 2022 and a change to the number of Councillors within the Liberal Democrat group.	
<b>DIRECTORATE POLICY CONTEXT:</b>	
Responsibility for these matters sits within the remit of the Monitoring Officer.	
<b>FINANCIAL SUMMARY:</b>	
There are no financial implications associated with this report.	

**Reasons for urgency:** The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

- Following the change to the number of Councillors within the Liberal Democrat group, there is an urgent need for Full Council to agree revised committee allocations that reflect the updated political proportionality of the Council.

## 1. PURPOSE OF REPORT

- 1.1. To seek approval for the allocation of seats to political groups and the appointments to Committee for the remainder of the municipal year.

## 2. RECOMMENDATIONS

Full Council is asked to:

- 1.2. Note the outcome of the review of entitlement of political groups and non-aligned councillors to seats on committees, based upon proportionality rules, as set out in Appendix 1;
- 1.3. Approve the allocation of seats to political groups; and

- 1.4. Subject to 2.2 above, to approve the appointments to Committees for the remainder of the municipal year, as confirmed in Paragraph 4.11 of this report.

## 2. EXECUTIVE SUMMARY

- 2.1. As a result of Councillor Ian Buckland becoming a member of the Liberal Democrat group, Full Council is asked to review the representation of political groups and non-aligned Councillors to seats on Committees, in accordance with statutory proportionality rules.

## 3. DETAIL

- 3.1. It is the duty of the Council to review from time to time the entitlement of political groups to seats on Committees in accordance with the proportionality rules set out in the Local Government & Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the Regulations), together hereinafter referred to as “the rules”. The rules allow adjustments to be made to fractions in order to make whole numbers of seats and, once the Council has determined how adjustments should be made, appointments are made to Committees on that basis.

- 4.2. The Act sets out four proportionality rules and requires authorities to apply them in descending order of priority:

- a) The first rule is that no political group (“group”) can have all the places on a Committee.
- b) The second rule is that a group having an overall majority on the Council is entitled to a majority of seats on each Committee.
- c) The third rule provides that, without being inconsistent with the first two rules, the gross number of seats on all Committees is allocated as near as possible in accordance with each group’s proportionate entitlement.
- d) The fourth rule provides that, so far as is consistent with Rules (a) to (c), the number of seats on each Committee is allocated in accordance with each Group’s entitlement

- 4.3. Legislation defines a political grouping for these purposes and in accordance with that legislation Arun has six “political groups” and two Councillors who are not grouped. The application of these rules to Arun Council indicates that:

- a) Paragraph 1.2(a) above **does** apply to Arun and therefore no Committee or can be made up of Councillors from only one political group;
- b) Paragraph 1.2(b) above **does not** apply to Arun as no political group has an overall majority of seats on the Council;
- c) Paragraph 1.2(c) above **does** apply to Arun so that when the Council considers the total number of seats on Committees, the proportion allocated to any one political group is the same as that group’s proportion of seats on the Council; and
- d) Paragraph 1.2(d) above **does** apply to Arun to allow for the total number of seats on each individual Committee allocated to a political group to be the same proportion as they have on the Council

- 4.4 Under the rules above, if there are Councillors who do not belong to a political group then, once the division of seats between the political groups has been made, any remaining seats are allocated to these Members by the Council.
- 4.5 The Council can only depart from these rules by passing a resolution with no Member voting against the resolution.
- 4.6 The current distribution of elected Members on Arun District Council is now as follows:

Conservatives	23
Liberal Democrats	17
Independent Group	6
Arun Independent Group	4
Green	3
Labour (non-group)	1

- 4.7 The Council has the following relevant Committees:

Committee	Seats
Policy & Finance Committee	9
Corporate Support Committee	11
Planning Policy Committee	11
Housing & Wellbeing Committee	11
Environment Committee	11
Economy Committee	11
Audit & Governance Committee	11
Planning Committee	11
Licensing Committee	11
Standards Committee	11
CEO Remuneration Committee	5
Statutory Officers Investigatory and Disciplinary Committee	5
<b>Total</b>	<b>118</b>

- 4.8 The table below sets out the percentage of the 54 Councillors belonging to each grouping and the number of committee seats that each grouping is entitled to based upon the percentage of Councillors:

Number of Councillors (54)						
Con	Lib Dem	Ind Group	AIG	Green	Labour	Ind
23	17	6	4	3	1	
42.59%	31.48%	11.11%	7.41%	5.56%	1.85%	0%
Number of Committee Seats (118)						
50	37	13	9	7	2	0

- 4.9 Appendix 1 to this report sets out the allocation of seats prepared by officers to each political group based on the proportionality rules.
- 4.10 Group Leaders have been provided with the officer calculation of seats to be allocated to political groups and have been able to supply a list of their groups' membership of each committee for confirmation at this meeting.
- 4.11 The changes highlighted earlier in this report mean a change to committee memberships as set out below, which Council is asked to note:

Corporate Support – One seat (formerly Independent) moves to the Liberal Democrat group

Standards – One seat (formerly Independent) moves to the Liberal Democrat group

## **5 CONSULTATION**

- 5.1 Consultation has taken place with all Group Leaders as required by the Council Procedure Rules.

## **6 OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1 At the time of writing this report, no alternative proposals to the statutory allocations have been made. To not agree updated allocations would put the Council at risk as set out below. No alternative allocations have been put forward by Group Leaders, with Appendix 1 having been agreed by all Group Leaders ahead of this meeting.

## **7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1 There are no financial implications associated with this report.

## **8 RISK ASSESSMENT CONSIDERATIONS**

- 8.1 This report provides the Full Council with the earliest opportunity to update the memberships.

## **9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1 The legal and governance positions are set out within the body of this report. The question arises about the legality of decisions taken by full Council and Council committees following allocation of seats lawfully or unlawfully. Section 16(3) of the Act states that the proceedings of a body to which the duty to allocate seats applies shall not be invalidated by any defect by virtue of section 15 or 16 in the appointment of any person to that body

## **10 HUMAN RESOURCES IMPACT**

- 10.1 None associated with this report.

**11     HEALTH & SAFETY IMPACT**

11.1 None associated with this report.

**12     PROPERTY & ESTATES IMPACT**

12.1 None associated with this report.

**13     EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1 None associated with this report.

**14     CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

14.1 None associated with this report.

**15     CRIME AND DISORDER REDUCTION IMPACT**

15.1 None associated with this report.

**16     HUMAN RIGHTS IMPACT**

16.1 None associated with this report.

**17     FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 None associated with this report.

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**CONTACT OFFICER:**

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance (and Monitoring Officer)

Contact Number: 01903 737607

**BACKGROUND DOCUMENTS:** None.