

Arun District Council

REPORT TO:	Annual Meeting of the Council – 31 May 2023
SUBJECT:	Review of Entitlement of Political Groups and Non-Aligned Councillors to Seats on Committees 2023/24
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance (Monitoring Officer)
LEAD MEMBER:	Leader of the Council
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: To reflect legislative and constitutional requirements for reviewing the proportionality and allocation of seats to Committees; and to agree the annual schedule of appointments in line with constitutional requirements.	
DIRECTORATE POLICY CONTEXT: Responsibility for these matters sits within the remit of the Group Head of Law & Governance.	
FINANCIAL SUMMARY: There are no financial implications associated with this report.	

1. PURPOSE OF REPORT

1.1 This report asks the Council to:

- i) agree the numerical allocation of committee seats to political groups in line with the overall political proportionality of the Council;
- ii) appoint councillors to the committees in accordance with the statutory requirements for political balance; and
- iii) elect committee Chairs and Vice-Chairs.

2. RECOMMENDATIONS

2.1 Subject to any updates given at the meeting, Full Council is asked to:

- (1) approve the appointments to Committees, Working Parties and Panels for 2023-24, together with the confirmation of the Chair and Vice-Chair where relevant, as set out in Appendix 1 or, alternatively, to
- (2) request alternative appointments.

2. EXECUTIVE SUMMARY

- 2.1. Following the Arun District Council local elections on 4 May 2023, the Council is asked to review the representation of political groups and un-grouped councillors to seats on Committees, Working Parties and Panels 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 its Committees, Working Parties and Panels 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 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 five “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, Working Party or Panel 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, Working Parties and Panels, 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, Working Party and Panel 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 following the 4 May 2023 elections is as follows:

Conservatives	20
Liberal Democrats	14
Labour	8
Green	6
Independent Group	4
Independent (non-group)	2

- 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
Total	118

- 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	Labour	Green	Ind Group	Ungrouped
20	14	8	6	4	2
37.04%	25.93%	14.81%	11.11%	7.41%	3.70%
Number of Committee Seats (118)					
44	31	17	13	9	4

4.9 Appendix 1 to this report sets out the allocation of seats to each political group based on the proportionality rules, as prepared by officers.

4.10 Group Leaders have been provided with the officer calculation of seats to be allocated to political groups and have supplied a list of their groups' memberships of each committee, working party and panel for confirmation at this meeting.

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 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 following the 4 May 2023 elections.

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.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS: None.