

## AGENDA ITEM 13

### ALLOCATION OF SEATS ON COMMITTEES ETC. TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

As referenced in the report at item 8 on the agenda for this meeting, and following the elections to Tendring District Council held on 4 May 2023, (all but one of) the elected Councillors have formed political groups. As a consequence of the formation of those political groups, the Council must, by virtue of the provisions of the Local Government and Housing Act 1989, undertake a review of the representation of the political groups formed on relevant Committees and Sub-Committees and determine the allocation of seats on those Committees and Sub-Committees.

Council, is invited, with the assistance of this report, to formally conduct the review referred to above.

For the purposes of the review, the representation of the political groups on the Council as a whole is as follows:

Table 1

Political Group	Number of Members on the Council as a whole	Percentage of the total Council Membership
Conservative	19	39.58%
Independents	5	10.42%
Labour	8	16.67%
Liberal Democrats	4	8.33%
Tendring Independents	11	22.92%
TOTAL	47	

There is one Member of the Council (Councillor Casey) who is not a member of any political group.

The percentage figures in the third column of the table above have been used for the determination of the allocation of seats on Committees/Sub-Committees, so far as reasonably practicable, must **give effect to the following principles:**

- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), that the **total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority;** and
- (d) subject to (a) and (c), that **the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.**

In (c) and (d) of the above principals there is highlighting to emphasise the elements that apply to this Council's circumstances at this point in time.

#### Taking principal (c) first -

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The relevant Committees and Sub-Committees of the Council that the determination of the allocation of seats applies to, are set out in the agenda for the meeting at Agenda Item 12 and, together, they amount to 70 places.

Agenda Item 12 identifies that the Town & Parish Councils Standards Sub-Committee does not form part of this calculation for the purposes of the review and determination to be undertaken. For the avoidance of doubt the Cabinet, the Premises/Personal Licences Sub-Committee and the Tendring/Colchester Borders Garden Community Joint Committee also do not form part of this calculation.

Table 2 – sets out the effect of Principle (c) above

Political Group	Percentage of the total Council Membership	Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)	Rounded Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)
Conservative	39.58%	27.71	28
Independents	10.42%	7.29	7
Labour	16.67%	11.67	12
Liberal Democrats	8.33%	5.83	6
Tendring Independents	22.92%	16.04	16

The above rounded position (last column) adds up to 69 places whereas there are 70 places on the relevant Committees/Sub-Committees. As a consequence, there is one unallocated place.

Council is therefore invited, in accordance with principal (c) above, to determine the allocation of seats on those Committees and Sub-Committees in accordance with Table 2 above.

### **Turning now to principal (d) above, the following allocation would apply:**

Table 3

Political Group	Percentage of the total Council Membership	Number of places per Political Group to accord with the Percentage shown ( <i>rounded figures shown together with figures to two decimal places for reference</i> )			
		For a 'Committee' with 5 Members	For a 'Committee' with 7 Members	For a 'Committee' with 9 Members	For a 'Committee' with 10 Members
Conservative	39.58%	2 (1.98)	3 (2.77)	4 (3.56)	4 (3.96)
Independents	10.42%	1 (0.52)	1 (0.72)	1 (0.94)	1 (1.04)
Labour	16.67%	1 (0.83)	1 (1.17)	1 (1.50)	2 (1.67)
Liberal Democrats	8.33%	0 (0.42)	0 (0.58)	1 (0.75)	1 (0.83)
Tendring Independents	22.92%	1 (1.15)	2 (1.60)	2 (2.06)	2 (2.29)

Using the above the allocation to 'Committees' is as follows (in Table 4):

Table 4

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Political Group	5 Members - Audit Committee and Miscellaneous Licensing Sub-Committee	7 Members – Human Resources & Council Tax and Standards Committees	9 Members – Planning, Planning Policy & Local Plan, Resources and Services O&S and Community Leadership O&S Committees	10 Members – Licensing & Registration Committee	TOTAL across all these 'Committees'
Conservative	2	3	4	4	30
Independents	1	1	1	1	9
Labour	1	1	1	2	10
Liberal Democrats	0	0	1	1	5
Tendring Independents	1	2	2	2	16

As such, the above does not accord with principal (d) as follows:

Table 5

Political Group	From Table 2 – Rounded Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)	From Table 4 - TOTAL across all the relevant 'Committees'	Excess (+)/ Deficit (-) of Places between the allocations on 'Committees' and the political proportion overall
Conservative	28	30	+2
Independents	7	9	+2
Labour	12	10	-2
Liberal Democrats	6	5	-1
Tendring Independents	16	16	0

The above adjustments in Table 5 would preserve the one 'unallocated' place referred to earlier.

To remove the excess/deficit position identified in Table 5 above, the following alternative allocations to the Committees shown (when compared with that in Table 5) have been proposed by the Leaders of the relevant Political Groups. Table 7 also sets out other changes proposed between the Group Leaders:

Table 6

Political Group	Standards Committee	Miscellaneous Licensing Sub-Committee	Licensing & Registration Committee	NEW TOTAL across all relevant 'Committees'
Conservative	2 (-1)	2	3 (-1)	28

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Independents	1	0 (-1)	0 (-1)	7
Labour	1	2 (+1)	3 (+1)	12
Liberal Democrats	1 (+1)	0	1	6
Tendring Independents	2	1	2	16

Table 7

Political Group	Human Resources & Council Tax Committee	Resources and Services O&S Committee	<b>NEW TOTAL</b> across all relevant 'Committees'
Conservative	3	4	28
Independents	1	1	7
Labour	2 (+1)	0 (-1)	12
Liberal Democrats	0	1	6
Tendring Independents	1 (-1)	3 (+1)	16

The effect of the above (i.e. Tables 6 & 7) would mean the one unallocated place would be on the Licensing and Registration Committee.

Members should be aware that the “trading” set out in Table 7 above does not conform with Section 15(5) of the Local Government & Housing Act 1989 [i.e. the aforementioned “Principles”]. However, the Council can, in accordance with the provisions of Section 17(1) of the Local Government & Housing Act 1989, approve such a “trade” as long as no member of the Council votes against it. If this was to occur then the Labour Group would revert to having one seat on the Human Resources & Council Tax Committee and one seat on the Resources and Services Overview & Scrutiny Committee and the Tendring Independents Group would revert to two seats on the Resources and Services Overview & Scrutiny Committee and two seats on the Human Resources & Council Tax Committee.

In the light of the above information, **IT IS RECOMMENDED:-**

- (a) **That, Council approves the review of the allocation of places on relevant Committees, as set out in Table 2 above, insofar as it represents the application of the “Principles”;**
- (b) **That, based on the principles set out in this report, the allocation of places on relevant Committees be as follows in Table 8 (based on Table 4 as amended by Tables 6 & 7 above) on the basis that these apply the principles referred to above:**

Table 8

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents
<b>Audit Committee</b>	5	2	1	1	0	1

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<b>Community Leadership O &amp; S Committee</b>	9	4	1	1	1	2
<b>Human Resources &amp; Council Tax Committee</b>	7	3	1	2	0	1
<b>Licensing &amp; Registration Committee*</b>	10	3	0	3	1	2
<b>Miscellaneous Licensing Sub-Committee</b>	5	2	0	2	0	1
<b>Planning Policy &amp; Local Plan Committee</b>	9	4	1	1	1	2
<b>Planning Committee</b>	9	4	1	1	1	2
<b>Resources and Services O &amp; S Committee</b>	9	4	1	0	1	3
<b>Standards Committee</b>	7	2	1	1	1	2

**\*There is an unallocated seat on this Committee that will need to be dealt with under Agenda Item 14.**

**IAN DAVIDSON, CHIEF EXECUTIVE**