

COUNCIL

30 JANUARY 2024

REPORT OF CHIEF EXECUTIVE

A.3 ALLOCATION OF SEATS ON COMMITTEES ETC. TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

Following the formation of the Tendring Residents' Alliance political group (as previously reported to Council at its meeting held on 28 November 2023) and the by-election held in the Bluehouse Ward on 11 January 2024 a review of the allocation of seats to political groups on relevant Committees and Sub-Committees needs to be carried out in accordance with Section 15(1) (e) of the Local Government and Housing Act 1989 and Regulation 17(b) and (d) of the Local Government (Committees and Political Groups) Regulations 1990.

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	16	33.33%
Independents	5	10.42%
Labour	7	14.58%
Liberal Democrats	4	8.33%
Tendring Independents	12	25.00%
Tendring Residents' Alliance	2	4.17%
TOTAL	46	

There are two Members of the Council (Councillors Casey and Turner) who are not members 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 -

The relevant Committees and Sub-Committees of the Council that the determination of the allocation of seats applies to, taken together, they amount to 70 places.

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

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	33.33%	23.33	23
Independents	10.42%	7.29	7
Labour	14.58%	10.21	10
Liberal Democrats	8.33%	5.83	6
Tendring Independents	25.00%	17.50	18
Tendring Residents' Alliance	4.17%	2.92	3

The above rounded position (last column) adds up to 67 places whereas there are 70 places on the relevant Committees/Sub-Committees. As a consequence, there are three unallocated places.

Council is therefore invited, in accordance with principle (c) above, to determine the allocation of seats on the relevant 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	33.33%	2 (1.67)	2 (2.33)	3 (3.00)	3 (3.33)
Independents	10.42%	1 (0.52)	1 (0.72)	1 (0.94)	1 (1.04)
Labour	14.58%	1 (0.73)	1 (1.02)	1 (1.31)	1 (1.46)
Liberal Democrats	8.33%	0 (0.42)	1 (0.58)	1 (0.75)	1 (0.83)
Tendring Independents	25.00%	1 (1.25)	2 (1.75)	2 (2.25)	3 (2.50)
Tendring Residents'	4.17%	0 (0.21)	0 (0.29)	0 (0.38)	0 (0.42)

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

Table 4

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	2	3	3	23
Independents	1	1	1	1	9
Labour	1	1	1	1	9
Liberal Democrats	0	1	1	1	7
Tending Independents	1	2	2	3	17
Tending Residents' Alliance	0	0	0	0	0

As such, the above does not accord with principle (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	23	23	0
Independents	7	9	+2
Labour	10	9	-1
Liberal Democrats	6	7	+1
Tending Independents	18	17	-1
Tending Residents' Alliance	3	0	-3

The above adjustments in Table 5 would preserve the three 'unallocated' places referred to earlier.

As we are in the midst of the 2023/2024 municipal year Table 6 below sets out the current allocation of committee et cetera seats to political groups (i.e. as decided at the Annual Meeting of the Council in May 2023). The Tending Residents' Alliance Group currently do not

have any seats on committees as that Group was not in being at the time of the Annual Meeting of the Council.

Table 6

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tending Independents
Audit Committee	5	2	1	1	0	1
Community Leadership O & S Committee	9	4	1	1	1	2
Human Resources & Council Tax Committee	7	3	1	2	0	1
Licensing & Registration Committee (*)	10	3	0	3	1	2
Miscellaneous Licensing Sub-Committee	5	2	0	2	0	1
Planning Policy & Local Plan Committee	9	4	1	1	1	2
Planning Committee	9	4	1	1	1	2
Resources and Services O & S Committee	9	4	1	0	1	3
Standards Committee	7	2	1	1	1	2
TOTAL SEATS	70	28	7	12	6	16
Current Entitlement (post review)		23	7	10	6	18
Excess (+) or Deficit (-) of Places		+5	0	+2	0	-2

(*) At the Annual Meeting of the Council in May 2023, Councillor Casey was appointed to serve on the Licensing and Registration Committee even though he was/is not a member of any political group.

To remove the excess/deficit position identified in Tables 5 and 6 above, the following alternative allocations to the Committees shown (when compared with that in Table 6) have been proposed by the Leaders of the relevant Political Groups following a meeting of Group Leaders with the Chief Executive and other Officers held on 22 January 2024 (see Table 7).

Table 7

Political Group	Community Leadership O&S Committee	Human Resources & Council Tax Committee	Licensing & Registration Committee	Planning Committee	Planning Policy & Local Plan Committee	Resources and Services O&S Committee	NEW TOTAL across all relevant 'Committees'
Conservative	3 (-1)	2 (-1)		3 (-1)	3 (-1)	3 (-1)	23
Independents			1 (+1)				8
Labour			1 (-2)				10
Liberal Democrats							6
Tendring Independents				3 (+1)	3 (+1)		18
Tendring Residents' Alliance	1 (+1)		1 (+1)			1 (+1)	3

The effect of the above (i.e. Table 7) would mean one unallocated place would be left on both the Human Resources & Council Tax Committee and the Licensing and Registration Committee. Group Leaders are recommending that Full Council appoint Councillor Casey to those seats. In respect of the third unallocated place Group Leaders are recommending that the Independent Group be gifted an extra seat which will be on the Licensing and Registration Committee as it meets Principle 'D' (see Table 3 above).

Members should be aware that the "trading" set out in Tables 6 & 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:-

- (1) the Labour Group would revert to having one seat on the Human Resources & Council Tax Committee, one seat on the Resources and Services Overview & Scrutiny Committee, two seats on the Licensing and Registration Committee and one seat on the Miscellaneous Licensing Sub-Committee; and
- (2) the Tendring Independents Group would revert to two seats on the Resources and Services Overview & Scrutiny Committee, two seats on the Human Resources & Council Tax Committee, two seats on the Planning Committee, two seats on the Planning Policy & Local Plan Committee and three seats on the Licensing & Registration Committee.

The membership of the Committees et cetera now proposed by Group Leaders in the light of the above is set out at Appendix 1 to this report.

In the light of the above information:-

IT IS RECOMMENDED THAT:-

- (a) 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) 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	Tendring Residents' Alliance
Audit Committee	5	2	1	1	0	1	0
Community Leadership O & S Committee	9	3	1	1	1	2	1
Human Resources & Council Tax Committee	7	2	1	2	0	1	0
Licensing & Registration Committee	10	3	1	1	1	2	1
Miscellaneous Licensing Sub-Committee	5	2	0	2	0	1	0
Planning Policy & Local Plan Committee	9	3	1	1	1	3	0
Planning Committee	9	3	1	1	1	3	0
Resources and Services O & S Committee	9	3	1	0	1	3	1
Standards Committee	7	2	1	1	1	2	0

- (c) Council endorses and approves the appointment of Members to serve on the relevant Committees et cetera, as set out in Appendix 1 to this report;
- (d) Council endorses the suggestions of Group Leaders and that Councillor Casey be appointed to the unallocated seats on the Human Resources and Council Tax Committee and the Licensing and Registration Committee.

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CHIEF EXECUTIVE