

## COUNCIL

30 JANUARY 2024

### REPORT OF CHIEF EXECUTIVE

#### A.6 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), the by-election held in the Bluehouse Ward on 11 January 2024 and Councillor Everett's decision to join the Tendring Residents' Alliance political group (following his exclusion from the Conservative political group) 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                 | 15  | 31.25%                                     |
| Independents                 | 5   | 10.42%                                     |
| Labour                       | 7   | 14.58%                                     |
| Liberal Democrats            | 4   | 8.33%                                      |
| Tendring Independents        | 12  | 25.00%                                     |
| Tendring Residents' Alliance | 3   | 6.25%                                      |
| 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:**

- that not all the seats on the body to which appointments are made are allocated to the same political group;
- 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;
- 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
- 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 principles there is highlighting to emphasise the elements that apply to this Council's circumstances at this point in time.

### **Taking principle (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                 | 31.25%                                     | 21.87  | 22   |
| 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 | 6.24%                                      | 4.37   | 4  |

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 principle (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      | 31.25%                                     | 2 (1.56)  | 2 (2.19)                         | 3 (2.81)                         | 3 (3.13)                          |
| 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          | 25.00%                                     | 1 (1.25)  | 2 (1.75)                         | 2 (2.25)                         | 3 (2.50)                          |

|                              |       |          |          |          |          |
|------------------------------|-------|----------|----------|----------|----------|
| Independents                 |       |          |          |          |          |
| Tendring Residents' Alliance | 6.25% | 0 (0.31) | 0 (0.44) | 1 (0.56) | 1 (0.63) |

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                                   |
| Tendring Independents        | 1   | 2  | 2  | 3   | 17                                  |
| Tendring Residents' Alliance | 0   | 0  | 1  | 1   | 5                                   |

As such, the above does not accord with principle (c) 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                 | 22  | 23  | +1   |
| Independents                 | 7   | 9   | +2   |
| Labour                       | 10  | 9   | -1   |
| Liberal Democrats            | 6   | 7   | +1   |
| Tendring Independents        | 18  | 17  | -1   |
| Tendring Residents' Alliance | 4   | 5   | +1   |

The above adjustments in the fourth column of 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 Tendring 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 | Tendring 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)          |                     | 22           | 7            | 10        | 6                 | 18                    |
| <b>Excess (+) or Deficit (-) of Places</b> |                     | <b>+6</b>    | <b>0</b>     | <b>+2</b> | <b>0</b>          | <b>-2</b>             |

(\*) 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 28 February 2024 (see Table 7).

Table 7

| Political Group              | Community Leadership O&S Committee | Human Resources Council Tax Committee | Licensing & Registration Committee | Misc. Licensing Sub-Committee | Planning Committee | Planning Policy & Local Plan Committee | Resources and Services O&S Committee | <b>NEW TOTAL</b><br>across all relevant 'Cttees' |
|------------------------------|------------------------------------|---------------------------------------|------------------------------------|-------------------------------|--------------------|--|--------------------------------------|--|
| Conservative                 | 3 (-1)                             | 2 (-1)                                |                                    |                               | 2 (-2)             | 3 (-1)                                 | 3 (-1)                               | 22   |
| Independents                 |                                    |                                       |                                    |                               |                    |  |                                      | 7  |
| Labour                       |                                    |                                       | 2 (-1)                             | 1 (-1)                        |                    |  |                                      | 10   |
| Liberal Democrats            |                                    |                                       |                                    |                               |                    |  |                                      | 6  |
| Tendring Independents        |                                    | 2 (+1)                                |                                    |                               | 3(+1)              |  |                                      | 18   |
| Tendring Residents' Alliance |                                    |                                       | 1 (+1)                             |                               | 1(+1)              | 1 (+1)                                 | 1 (+1)                               | 4  |

The effect of the above (i.e. Table 7) would mean one unallocated place would be left on the **Community Leadership Overview & Scrutiny Committee, Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee**. Full Council will need to appoint to those seats.

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, i.e. a member of the Council does vote against it, then:-

- (1) the Labour Group would revert to having one seat on the Licensing and Registration Committee (instead of two) and one seat on the Resources and Services Overview & Scrutiny Committee (instead of none); and
- (2) the Tendring Independents Group would revert to having three seats on the Licensing & Registration Committee (instead of two) and two seats on the Resources and Services Overview & Scrutiny Committee (instead of three).

The membership of the Committees et cetera now proposed by Group Leaders in the light of the above “trading” 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                     | 0                            |
| Human Resources & Council Tax Committee | 7                   | 2            | 1            | 2      | 0                 | 2                     | 0                            |
| Licensing & Registration Committee      | 10                  | 3            | 0            | 2      | 1                 | 2                     | 1                            |
| Miscellaneous Licensing Sub-Committee   | 5                   | 2            | 0            | 1      | 0                 | 1                     | 0                            |
| Planning Policy & Local Plan Committee  | 9                   | 3            | 1            | 1      | 1                 | 2                     | 1                            |
| Planning Committee                      | 9                   | 2            | 1            | 1      | 1                 | 3                     | 1                            |
| 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 decides who should be appointed to the unallocated seats on the Community Leadership Overview & Scrutiny Committee, the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee.

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