

ANNUAL MEETING OF THE COUNCIL

30 APRIL 2024

REPORT OF CHIEF EXECUTIVE

A.1 ALLOCATION OF SEATS ON COMMITTEES ET CETERA TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL AND APPOINTMENT OF THE MEMBERSHIPS OF COMMITTEES ET CETERA

Members will be aware that, as part of the ordinary business that needs to be conducted at the Annual Meeting of the Council, and as set out in Council Procedure Rule 1.2, Council will:-

- (i) Appoint the Committees and Sub-Committees it considers appropriate for the municipal year;
- (ii) Decide the size and the terms of reference and delegated powers for any new Committees and Sub-Committees;
- (iii) Decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and
- (iv) Appoint Members to each Committee and Sub-Committee and the Chairman and Vice-Chairman of each Committee and Sub-Committee as appropriate.

Council, is invited, with the assistance of this report, to formally conduct the review referred to in (iii) above and to appoint Members to Committees et cetera in accordance with (i) and (iv) 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:**

- (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 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 and the Premises/Personal Licences Sub-Committee are excluded from the political proportionality requirements that this report concerns. In addition, the Tendring/Colchester Borders Garden Community Joint Committee and the Town & Parish Councils Standards Sub-Committee have not formed part of this calculation for the purposes of the review and determination to be undertaken. This is on the basis that the Council has previously determined that they are to be excluded. Recommendation (a) below seeks confirmation of this position.

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 'Committee' a | For 'Committee' a | For 'Committee' a | For 'Committee' a |
| | | | | | |

| | | with 5 Members | with 7 Members | with 9 Members | 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 Independents | 25.00% | 1 (1.25) | 2 (1.75) | 2 (2.25) | 3 (2.50) |
| 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 |

| | | | |
|-----------------------------|----|----|----|
| Tending Independents | 18 | 17 | -1 |
| Tending Residents' Alliance | 4 | 5 | +1 |

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

Table 6 below sets out the last allocation of committee et cetera seats to political groups i.e. as decided at the meeting of the Council held on 19 March 2024. Council's decision followed a meeting of the Group Leaders with the Chief Executive and other Officers held on 28 February 2024 when, in order to remove the excess/deficit position identified in Table 5 above, alternative allocations to the Committees were proposed by the Leaders of the relevant Political Groups.

Table 6

| Committee /Sub-Committee | Total Seats on Body | Conservative | Independents | Labour | Liberal Democrats | Tending Independents | Tending 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 |

The effect of the above (i.e. Table 6) meant that one unallocated place was left on the **Community Leadership Overview & Scrutiny Committee, Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee**. At its meeting held on 19 March 2024 Full Council appointed Councillor Casey to serve on both the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee. The remaining seat on the Community Leadership Overview and Scrutiny Committee was left vacant at that time.

A meeting of the Group Leaders with the Chief Executive and the Committee Services Manager was held on 11 April 2024 in order to agree their wishes as to the allocation of Committee seats to political groups in readiness for the Annual Meeting of the Council. At that meeting on 11 April 2024, Group Leaders agreed their wish to keep the allocations to political groups the same as that agreed for the March 2024 Council meeting.

Council should be aware that the “trading” set out in Table 6 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 is set out at Appendix 1 to this report.

In the light of the above information:-

IT IS RECOMMENDED THAT:-

- (a) Council confirms that the political balance rules shall not be applied to the Tendring/Colchester Borders Garden Community Joint Committee and the Town & Parish Councils Standards Sub-Committee;

[Note: Recommendation (a) requests a nemine contradicente vote to be approved.]

- (b) Council approves the review of the allocation of places on relevant Committees, as set out in Table 2 above in so far as it sets out the total number of seats on all those Committees to be allocated to political groups represented on the Council, (principle (c) of the “Principles”);

- (c) Council approves, subject to the subsequent consideration of (d) below, the number of seats on each relevant Committee to be allocated to political groups such that, for each group, their proportion of seats on individual Committees is proportionate to their overall membership on the Council (principles (c) and (d) of the “Principles”):

Table 7

| 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 | 1* | 1 | 3* | 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 | 1* | 1 | 2* | 1 |
| Standards Committee | 7 | 2 | 1 | 1 | 1 | 2 | 0 |

(d) That the following changes to the allocations set out in Table 7 above be approved (the relevant allocations are shown ‘*’ in Table 7):

- (1) the Labour Group to have two seat on the Licensing and Registration Committee (instead of one) and no seat on the Resources and Services Overview & Scrutiny Committee (instead of one); and
- (2) the Tendring Independents Group to have two seats on the Licensing & Registration Committee (instead of three) and three seats on the Resources and Services Overview & Scrutiny Committee (instead of two).

[Note: Recommendation (d) requests a nemine contradicente vote to be approved.]

(e) Council endorses and approves, in so far as it reflects the earlier decisions on this matter, the appointment of Members to serve on the relevant Committees et cetera, as set out in Appendix 1 to this report;

(f) 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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