

## COUNCIL

6 AUGUST 2024

### REPORT OF CHIEF EXECUTIVE

#### **A.9 ALLOCATION OF SEATS ON COMMITTEES ET CETERA TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL AND APPOINTMENT OF THE MEMBERSHIPS OF COMMITTEES ET CETERA**

Following Councillor Codling's decision on 10 June 2024 to leave the Conservative political group, and to join the Tendring Residents' Alliance 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(c) of the Local Government (Committees and Political Groups) Regulations 1990.

\* The Tendring Residents' Alliance political group changed its name to the Reform UK political group with effect from 19 June 2024.

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	14	29.17%
Independents	5	10.42%
Labour	7	14.58%
Liberal Democrats	4	8.33%
Tendring Independents	12	25.00%
Reform UK	4	8.33%
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, which 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 in bold 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, amounts 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	29.17%	20.42	20
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
Reform UK	8.33%	5.83	6

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	29.17%	1 (1.46)	2 (2.04)	3 (2.63)	3 (2.92)
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)
Tending Independents	25.00%	1 (1.25)	2 (1.75)	2 (2.25)	3 (2.50)
Reform UK	8.33%	0 (0.42)	1 (0.58)	1 (0.75)	1 (0.83)

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	1	2	3	3	21
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
Reform UK	0	1	1	1	7

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	20	21	+1
Independents	7	9	+2
Labour	10	9	-1
Liberal Democrats	6	7	+1
Tending Independents	18	17	-1
Reform UK	6	7	+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 annual meeting of the Council held on 30 April 2024. Council's decision followed a meeting of the Group Leaders with the Chief Executive and other Officers held on 11 April 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	Tendring Independents	Tendring Residents Alliance (now Reform UK)
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, the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee**. At its annual meeting held on 30 April 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, Head of Democratic Services & Elections and the Committee Services Manager was held on 18 July 2024 in order to agree their wishes as to the allocation of Committee seats to political groups in readiness for this meeting of the Council. At that meeting on 18 July 2024, Group Leaders agreed their wishes as to the allocation of Committee seats to political groups as set out in Table 7 below.

Table 7

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tending Independents	Reform UK
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	2	0	2	1	2	2
Miscellaneous Licensing Sub-Committee	5	1	0	1	0	1	1
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

Council 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, 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);
- (2) the Tending 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);
- (3) the Conservative Group would revert to having three seats on the Licensing & Registration Committee (instead of two) and two seats on the Miscellaneous Licensing Sub-Committee (instead of one); and
- (4) the Reform UK Group would revert to having one seat on the Licensing and Registration Committee (instead of two) and no seat on the Miscellaneous Licensing Sub-Committee (instead of one).

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 8**

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents	Reform UK
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 8 above be approved (the relevant allocations are shown ‘\*’ in Table 8):**

- (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);**
- (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);**
- (3) the Conservative Group to have two seats on the Licensing & Registration Committee (instead of three) and one seat on the Miscellaneous Licensing Sub-Committee (instead of two); and**
- (4) the Reform UK Group to have two seats on the Licensing and Registration Committee (instead of one) and one seat on the Miscellaneous Licensing Sub-Committee (instead of none).**

**[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;**

**Having considered and made its decision(s) on the above recommendations, Council is also requested to consider the following recommendation namely that:-**

**(f) Council decides who from the non-aligned Councillors 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.**

**IAN DAVIDSON**  
**CHIEF EXECUTIVE**