

ANNUAL MEETING OF THE COUNCIL

29 APRIL 2025

REPORT OF CHIEF EXECUTIVE

A.2 ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL AND APPOINTMENT OF THE MEMBERSHIPS OF COMMITTEES ET CETERA FOR THE 2025/2026 MUNICIPAL YEAR

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.

Members will also be aware that Councillor Dan Casey has recently joined the Tendring Independents Group.

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	13	27.08%
Independents	5	10.42%
Labour	7	14.58%
Liberal Democrats	4	8.33%
Tendring Independents	11	22.92%
Reform UK	7	14.58%
TOTAL	47	

There is one vacant seat on the Council pending a by-election in the Frinton Ward.

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 72 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 72 places)	Rounded Number of places per Political Group to accord with the Percentage shown (from a total of 72 places)
Conservative	27.08%	19.4976	19
Independents	10.42%	7.5024	8
Labour	14.58%	10.4976	10
Liberal Democrats	8.33%	5.9976	6
Tendring Independents	22.92%	16.5024	17
Reform UK	14.58%	10.4976	10

The above rounded position (last column) adds up to 70 places whereas there are 72 places on the relevant Committees/Sub-Committees. As a consequence, there are two 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	27.08%	1 (1.35)	2 (1.90)	2 (2.44)	3 (2.71)
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)	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)
Reform UK	14.58%	1 (0.73)	1 (1.02)	1 (1.31)	1 (1.46)

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

Table 4

Political Group	5 Members - Miscellaneous Licensing Sub-Committee	7 Members – Audit, 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	2	3	18
Independents	1	1	1	1	9
Labour	1	1	1	1	9
Liberal Democrats	0	0	1	1	5
Tendring Independents	1	2	2	2	17
Reform UK	1	1	1	1	9

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 72 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	19	18	-1
Independents	8	9	+1
Labour	10	9	-1
Liberal Democrats	6	5	-1
Tendring Independents	17	17	0
Reform UK	10	9	-1

As such, Table 6 below expands the detail from Table 4 above by listing each of the relevant Committees. It identifies the adjustments needed to secure the over/under allocation for each political group from Table 5. It also identifies where the allocation in Table 4 does not result in all places on a committee being allocated. This situation will obviously change once Group Leaders have indicated where the adjustments identified in the last column are to be made.

Table 6

Political Group	Audit Committee (7 Members)	Miscellaneous Licensing Sub-Committee (5 Members)	Human Resources & Council Tax (7 Members)	Standards Committees (7 Members)	Planning Committee (9 Members)	Planning Policy & Local Plan Committee (9 Members)	Comm Lead O&S Comm (9 Mem
Conservative	2	1	2	2	2	2	
Independents	1	1	1	1	1	1	
Labour	1	1	1	1	1	1	
Liberal Democrats	0	0	0	0	1	1	
Tendring Independents	2	1	2	2	2	2	
Reform UK	1	1	1	1	1	1	
Unallocated	-	-	-	-	1	1	

The above adjustments in the final column of Table 6 above would preserve the two 'unallocated' places referred to earlier. Once the adjustments referred to in Table 6 have been completed, Group Leaders may wish to consider 'swapping' seats on individual committees.

Table 7 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 25 March 2025. Council's decision followed a meeting of the Group Leaders with the Chief Executive and other Officers held on 11 March 2025 when, to remove the identified excess/deficit position, alternative allocations to the Committees were proposed by the Leaders of the relevant Political Groups.

Table 7

Committee /Sub-Committee	Total Seats on Body	Conservative	Independent	Labour	Liberal Democrats	Tendring Inds.	Reform UK
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	1
Licensing & Registration Committee	10	3	0	2	1	2	1

Miscellaneous Licensing Sub-Committee	5	1	0	1	0	1	1
Planning Policy & Local Plan Committee	9	2	1	1	1	2	1
Planning Committee	9	1	1	1	1	2	2
Resources and Services O & S Committee	9	2	1	0	1	2	2
Standards Committee	7	2	1	1	1	1	1

The effect of the above (i.e. Table 7) meant that one unallocated place was left on the **Licensing and Registration Committee, the Planning Policy & Local Plan Committee, the Planning Committee and the Miscellaneous Licensing Sub-Committee**. At its meeting held on 25 March 2025, Full Council decided to leave all the unallocated seats vacant pending this review.

For the current review a meeting of the Group Leaders with the Chief Executive and other Officers was held on 11 April 2025 when, to remove the excess/deficit position in Table 5 below, alternative allocations to the Committees were proposed by the Leaders of the relevant Political Groups.

Table 8 below records the agreed swapped seats.

Table 8

Political Group	Additional (+)/Subtracted (-) Seat on which Committee	Agreed Subtracted / Additional Seat with which other Political Group(s)
Conservative	<ul style="list-style-type: none"> Subtracted 1 seat on Planning Committee Added 1 seat on Planning Policy & Local Plan Committee Added 1 seat on Resources and Services O&S Committee 	<ul style="list-style-type: none"> Agreed with all Groups Agreed with all Groups Agreed with all Groups
Independents	<ul style="list-style-type: none"> Subtracted 1 seat on Misc. Licensing Sub-Committee Added 1 seat on Community Leadership O&S Committee Subtracted 1 seat on Licensing and Registration Committee 	<ul style="list-style-type: none"> Agreed with all Groups Agreed with all Groups Agreed with Labour Group
Labour	<ul style="list-style-type: none"> Added 1 seat on Human Resources & Council Tax Cttee 	<ul style="list-style-type: none"> Agreed with Tendring Independents Group

	<ul style="list-style-type: none"> • Subtracted 1 seat on Resources and Services O&S Cttee • Added 1 seat on Licensing and Registration Committee 	<ul style="list-style-type: none"> • Agreed with Tendring Independents Group • Agreed with Independents Group
Liberal Democrats	<ul style="list-style-type: none"> • Added 1 seat on Standards Cttee 	<ul style="list-style-type: none"> • Agreed with Tendring Independents Group
Tendring Independents	<ul style="list-style-type: none"> • Subtracted 1 seat on Human Resources & Council Tax Cttee • Subtracted 1 seat on Standards Cttee • Added 1 seat on Resources and Services O&S Committee • Added 1 seat on Licensing and Registration Committee 	<ul style="list-style-type: none"> • Agreed with Labour Group • Agreed with Liberal Democrat Group • Agreed with Labour Group • Agreed with all Groups
Reform UK	<ul style="list-style-type: none"> • Added 1 seat on Planning Cttee 	<ul style="list-style-type: none"> • Agreed with all Groups

The swapping arrangements set out in Table 8 above would require no vote against them at the meeting of Council. If there was a vote against then the position in Table 6 would prevail.

Council will need to decide on the unallocated seats on the Planning Committee and the Miscellaneous Sub-Committee.

Table 9 below sets out the allocation of Committee seats to political groups as agreed by Group Leaders at their meeting held on 11 April 2025.

Table 9

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents	Reform UK
Audit Committee	7	2	1	1	0	2	1
Community Leadership O & S Committee	9	2	2	1	1	2	1
Human Resources & Council Tax Committee	7	2	1	2	0	1	1
Licensing & Registration Committee	10	3	0	2	1	3	1
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	1	1	1	1	2	2

Resources and Services O & S Committee	9	3	1	0	1	3	1
Standards Committee	7	2	1	1	1	1	1

Council should be aware that the “trading” set out in Tables 8 and 9 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 Human Resources & Council Tax Committee (instead of two), 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 Conservative Group would revert to having two seats on the Planning Committee (instead of one), two seats on the Planning Policy & Local Plan Committee (instead of three) and two seats on the Resources and Services Overview & Scrutiny Committee (instead of three);
- (3) the Reform UK Group would revert to having one seat on the Planning Committee (instead of two);
- (4) the Liberal Democrats Group would revert to having no seat on the Standards Committee (instead of one);
- (5) the Tendring Independents Group would revert to having two seats on the Human Resources & Council Tax Committee (instead of one), two seats on the Standards Committee (instead of one), two seats on the Resources and Services Overview and Scrutiny Committee (instead of three) and two seats on the Licensing and Registration Committee (instead of three); and
- (6) the Independents Group would revert to having one seat on the Licensing and Registration Committee (instead of none), one seat on the Miscellaneous Licensing Sub-Committee (instead of none) and 1 seat on the Community Leadership Overview and Scrutiny Committee.

The membership of the Committees et cetera now proposed by Group Leaders in the light of the above will be set out at Appendix 1 to this report. This Appendix will be circulated to Members as soon as possible once all names have been submitted by Group Leaders.

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 10

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents	Reform UK
Audit Committee	7	2	1	1	0	2	1
Community Leadership O & S Committee	9	2	1*	1	1	2	1
Human Resources & Council Tax Committee	7	2	1	1*	0	2*	1
Licensing & Registration Committee	10	3	1*	1*	1	2*	1
Miscellaneous Licensing Sub-Committee	5	1	1*	1	0	1	1
Planning Policy & Local Plan Committee	9	2*	1	1	1	2	1
Planning Committee	9	2*	1	1	1	2	1*
Resources and Services O & S Committee	9	2*	1	1*	1	2*	1
Standards Committee	7	2	1	1	0*	2*	1

(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 seats on the Human Resources & Council Tax Committee (instead of one), two seats 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 Conservative Group to have one seat on the Planning Committee (instead of two), three seats on the Planning Policy & Local Plan Committee (instead of two) and three seats on the Resources and Services Overview & Scrutiny Committee (instead of two);
- (3) the Reform UK Group to have two seats on the Planning Committee (instead of one);
- (4) the Tendring Independents Group to have one seat on the Human Resources and Council Tax Committee (instead of two), one seat on the Standards Committee (instead of one), three seats on the Resources and Services Overview and Scrutiny Committee (instead of two) and three seats on the Licensing and Registration Committee (instead of two);
- (5) the Independent Group to have no seat on the Licensing and Registration Committee (instead of one), no seat on the Miscellaneous Licensing Sub-

- Committee (instead of one) and two seats on the Community Leadership Overview and Scrutiny Committee (instead of one); and
- (6) the Liberal Democrats Group to have one seat on the Standards 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 leaves the unallocated seats on the Planning Committee and the Miscellaneous Licensing Sub-Committee vacant at this time pending the outcome of the by-election in the Frinton Ward and a further review of the allocation of seats on Committees et cetera to political groups.