

COUNCIL

DATE: 14 May 2018

REPORT OF: DEMOCRATIC SERVICES MANAGER

SUBJECT: COMMITTEE APPOINTMENTS AND POLITICAL
BALANCE – LOCAL GOVERNMENT AND HOUSING
ACT 1989

PART I

RECOMMENDATION

The Council is recommended to resolve:

- (a) That the committee places be as set out in Table A of this report.
- (b) That the allocation of seats for the committee places be approved as set out in Tables A and B and adjustments to appointments and substitute Members be advised by the Group Leaders.

1. PURPOSE

This report sets out the legal position and makes recommendations about the allocation of seats to the groups.

2. THE POLITICAL GROUPS

Membership of the political groups on the Council is as follows:-.

Conservative Group	24 Seats
Liberal Democrat Group	17 Seats
Independent Group	5 Seats
Total Seats	46

3. THE LEGAL POSITION

- 3.1 The Local Government and Housing Act 1989 requires that appointments to certain bodies must achieve a political balance.
- 3.2 In Teignbridge the bodies to which these requirements apply are ordinary committees, sub-committees and the County Council's Highways & Traffic Orders Committee. The Executive is expressly excluded from these provisions. There is no statutory requirement to make the Licensing Act 2003 Committee politically balanced although the Council has previously decided to do so. Licensing Sub committees do not have to be politically balanced.

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- 3.3 A local authority is treated as divided into political groups where at least one political group, which comprises at least two Members, is in existence.
- 3.4 A determination of the allocation of seats by the Council (or by committee, when appointing Members to a sub-committee) must give effect to the following principles which are set out in Section 15 of the Local Government and Housing Act 1989:
- (a) that not all the seats are allocated to the same political group;
 - (b) that the majority of seats are 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 all seats of the ordinary committees allocated to a particular political group reflects the group's proportion to the membership of the authority;
 - (d) subject to (a) – (c), that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority.
- 3.5 The effect of these principles is that, so far as practicable, seats should be allocated to the groups in proportion to their membership as a whole, i.e. Conservatives 24/46ths, Liberal Democrats 17/46ths, and the Independents 5/46ths.
- 3.6 In addition, the total of the groups' seats on all the ordinary committees should again be in proportion to their membership as a whole. It is important to note that the principle in 3.4(c) applies to the ordinary committees and not to sub-committees, or the County Council's Highways & Traffic Orders Committee. The political balance rules do not apply to working parties.
- 3.7 Allocations need to be made as follows with regards to the ordinary seats on committees in relation to the overall proportions of the Council: Conservatives 52.17%, Liberal Democrats 36.96%, and Independents 10.87%.

4. PROPOSED ALLOCATIONS

- 4.1 Below are tables showing the proposed entitlements of the groups. Table A deals with ordinary Committees where seats have to be allocated in proportion to the group membership both on individual committees and as a total of the membership. Table B deals with other bodies where seats have to be allocated in proportion to group membership on an individual basis.

The numbers that appear in brackets represent the suggested allocation to achieve political balance. Balance for the ordinary Committees (Table A) needs to be achieved both for each individual committee and in proportion to the membership of those committees as a whole.

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TABLE A

Committee	Places	Cons	Lib Dems	Inds	Total
Overview and Scrutiny Committee	30	15.65 (16)	11.09 (11)	3.26 (3)	30
Planning Committee	21	10.96 (11)	7.76 (8)	2.28 (2)	21
Licensing Act 2003 Committee	10	5.21 (5)	3.70 (4)	1.09 (1)	10
Regulatory & Appeals	6	3.13 (3)	2.21 (2)	0.59 (1)	6
Audit Scrutiny Committee	8	4.17 (4)	2.96 (3)	0.87 (1)	8
Standards Committee	6	3.13 (3)	2.21 (2)	0.59 (1)	6
Strata Scrutiny Committee	3	1.56 (2)	1.11 (1)	0.33 (0)	3
Totals	84	43.81 (44)	30.68 (31)	9.01 (9)	84

Name of body other than ordinary committee	Places	Cons	Lib Dems	Inds
DCC Highways & Traffic Orders	3	1.70 (2)	0.98 (1)	0.33 (0)

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Wards affected	All
Contact for more information	Neil Aggett – Tel: 01626 215113
Background Papers (For Part I reports only)	Local Government (Committees and Political Groups) Regulations 1990 Local Government and Housing Act 1990
Key Decision	No
In Forward Plan	No
In O&S Work Programme	No