



Oadby & Wigston

BOROUGH COUNCIL

Law & Democracy
Democratic Services

TO COUNCILLOR:

R H Adams
N Alam
S S Athwal
L A Bentley
G A Boulter
L M Broadley
F S Broadley
M H Charlesworth
J K Chohan (Mayor)

H E Darling
M L Darr
J K Ford
D A Gamble
F S Ghattoraya
C S Gore
S Z Haq
G G Hunt
P Joshi

R V Joshi
J Kaufman
C D Kozlowski
K J Loydall
C J R Martin
R E R Morris
I K Ridley
C A M Walter (Deputy Mayor)

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Full Council

Date & Time: Tuesday, 23 September 2025, 7.00 pm

Venue: Civic Suite, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ

Contact: Democratic Services

t: (0116) 257 2775

e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Oadby
18 September 2025

Anne E Court
Chief Executive



Meeting ID: 2920

ITEM NO.

AGENDA UPDATE

PAGE NO'S

11. Review of Political Proportionality and Membership of Council Bodies (September 2025)

3 - 11

Addendum of the Legal & Democratic Services Manager / Monitoring Officer (Solicitor)

Access all available public meeting information, documents and live broadcasts on:



Postal Address: Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ

Refuse & Recycling Centre: The Depot, Wigston Road, Oadby, Leicester, LE2 5JE

Telephone: (0116) 288 8961 **Email:** customer.services@oadby-wigston.gov.uk



oadby-wigston.gov.uk



OadbyWigstonBC



@Oadby_Wigston

Our **website** at **oadby-wigston.gov.uk/meetings**

Our **Civico** platform at **civico.net/oadby-wigston**

Your **smart device** using
the **Modern.Gov** app

Full Council

Tuesday, 23 September 2025, 7.00 pm

*Printed and published by Democratic Services, Oadby
and Wigston Borough Council, Brocks Hill Council
Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ*



Full Council	Tuesday, 23 September 2025	Matter for Information and Decision
---------------------	---------------------------------------	--

Addendum Title: **Addendum - Review of Political Proportionality and Membership of Council Bodies (September 2025)**

Addendum Author(s): **Samuel Ball (Legal & Democratic Services Manager / Monitoring Officer) (Solicitor)**

Purpose of Addendum:	The purpose of this addendum is to provide the correct legal position regarding the Council's duty to allocate seats on Council bodies following recent changes to political composition, and particularly in respect of ungrouped Independent Members. It reflects further research undertaken since the publication of the original report and ensures that the Council's approach to political proportionality is fully compliant with the relevant Act and Regulations as now understood.
Addendum Summary:	Further legal clarification confirms that section 16(2A) of the Local Government and Housing Act 1989 (inserted by regulation 16(3) of the Local Government (Committees and Political Groups) Regulations 1990) places the Council under a statutory duty to allocate seats on Council bodies not allocated to political groups for Members who do not belong to any political group. Whilst the named Independent Member appointee(s) to these seats remain within the discretion of Full Council, the obligation to reserve them is a legal requirement and not a matter of interpretation as previously advised. This addendum corrects this earlier misunderstanding and updates the Council's position accordingly to ensure legislative compliance going forward.
Recommendation(s):	<p>A. That the political balance requirements contained in the 1989 Act and 1990 Regulations, and the statutory duties regarding the allocation of seats on Council bodies (as set out in section 1 of the addendum) be noted;</p> <p>B. That the new political composition of the Council, and revised proportionality arrangements in relation to the allocation of seats on Council bodies by political grouped Members and ungrouped Independent Members (as set out at section 3 of the addendum) be noted; and</p> <p>C. That the revised number of seats on each affected Council body, and the necessary removals and appointments of Members from/to those affected Council bodies for the remainder of the municipal year 2025/26 (as set out at sections 3 and 4 of this addendum) as may be proposed and seconded at the meeting be resolved.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Samuel Ball (Legal & Democratic Services Manager / Monitoring Officer) (Solicitor) (0116) 257 2643 samuel.ball@oadby-wigston.gov.uk
Corporate Objectives:	Not applicable.
Vision and Values:	Not applicable.

Report Implications:-	
Legal:	Failure to adhere to the relevant provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (as modified and amended accordingly) may result in the Council acting beyond its powers.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	None.
Background Papers:	<ul style="list-style-type: none"> • Local Government and Housing Act 1989 • Local Government (Committees and Political Groups) Regulations 1990
Appendices:	None.

1. Overview of Political Balance Requirements

- 1.1 The legal requirements for political proportionality in the allocation and review of seats on Council bodies are set out in the Local Government (Committees and Political Groups) Regulations 1990 ("the Regulations"), made under sections 15, 16 and 17 of the Local Government and Housing Act 1989 ("the 1989 Act"). The requirements are as follows.
- 1.2 After a Member(s) has notified the Monitoring Officer that they have joined or left a political group, the Council is, as soon as practicable, required to review its political balance, to allocate seats on specified bodies in accordance with that political balance, and appoint Members to those Council bodies in accordance with the wishes of the political group(s).
- 1.3 The Council must allocate seats on committees so as to give effect to the political balance rules unless it resolves otherwise without any Member voting against (i.e. by unanimity).
- 1.4 The allocation of seats must conform to the principles of proportionality contained in sections 15 and 16 of the Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the priority order as shown:
 - (a) *"Not all the seats on the body are allocated to the same political group;"*
 - (b) *"A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority;"*

- (c) *"Subject to (a) and (b) above, that the number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority;" and*
- (d) *"Subject to (a) to (c) above, that the number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority."*

1.5 For the purposes of political balance, a group must comprise at least two Members to be formally recognised as a political group. The political proportionality rules under sections 15 and 16 of the 1989 Act therefore apply only to political groups so constituted.

1.6 Where the Council has Independent Members who are ungrouped, section 15(3) of the 1989 Act is modified by regulation 16(2) of the 1990 Regulations to read as follows:

"15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be the duty of that authority or committee, as soon as practicable after the review, to determine the allocation to each of those groups of such of the seats which fall to be filled by appointments made from time to time by that authority or committee as bear to the total of all of those seats the same proportion as is borne by the number of members of that group to the membership of the authority."

1.7 Further and in addition to the above, where there are ungrouped Independent Members, section 16(2A) of the 1989 Act is modified by regulation 16(3) of the 1990 Regulations to take effect and provides:

"(2A) Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group."

1.8 The implications of these changes to section 15(3), read and taken together with section 16(2A), is that once the proportional allocation to political groups has been made in accordance with the four principles in paragraph 1.4 above, any remaining unallocated seats must be reserved for and appointed to ungrouped Independent Members.

1.9 The only lawful departure from the requirements of sections 15 and 16 is by virtue of section 17 of the 1989 Act, which permits alternative arrangements to be made by resolution of the Full Council, provided that no Member votes against such a resolution.

1.10 Once the allocation of seats is determined, the actual appointment of individual Members to the allocated seats must be made in accordance with the wishes of the relevant political group, in line with section 16 of the 1989 Act and regulation 13 of the 1990 Regulations.

1.11 To assist Members, paragraphs 1.1 to 1.10 above can be succinctly summarised as follows:

The Full Council is legally required to allocate seats on Council bodies in proportion to the political composition of the Council, following four statutory principles in priority order. These ensure that no single political group takes all seats, that majority group(s) receive a majority of seats, and that seats across all Council bodies reflect each group's size on the Council. Only formally constituted political groups (of two or more Members) are included in the proportionality calculation. Once the allocation to political groups is completed, any remaining seats must be reserved for ungrouped Independent Members, with appointments

to those seats (i.e. the named Independent Member) made by Full Council at its discretion. Departing from this framework is only lawful if agreed unanimously by the Full Council.

2. Adjustment to Position Following Further Legal Consideration

- 2.1 At the time the issue of allocating seats to ungrouped Independent Members was last considered by Full Council in July 2025, the position presented was that the Council was not under a statutory obligation to reserve seats for ungrouped Independent Members.
- 2.2 This view was based on a longstanding interpretation and application of the Local Government and Housing Act 1989 and the associated 1990 Regulations, under which only formally constituted political groups (i.e. groups of two or more Members) were understood to be entitled to a proportionate allocation of seats on politically balanced Council bodies.
- 2.3 Under this interpretation, the inclusion of ungrouped Members was considered a matter for local discretion under the Council's own constitutional arrangements. This understanding formed the basis of the discussion at Full Council, and is likely why Members resolved to refer the matter to the Constitutional Working Group (CWG) for further consideration.
- 2.4 The view was reached and shared in good faith. It reflected an interpretation that had been consistently applied over many years which, in the absence of any ungrouped Independent Members in the Council's recent history, had not arisen in a way that necessitated detailed examination in previous years. The emergence of a more significant cohort of ungrouped Independent Members has therefore presented a relatively novel scenario for the Council.
- 2.5 It was the first time in recent memory that the Monitoring Officer was required to engage in detail with the complex and technical provisions of the legislation as they relate specifically to ungrouped Members. In doing so, reliance was placed on the conventional distinction between political groups and non-grouped Members, with the former subject to proportional entitlements and the latter considered capable of being included at the Council's discretion.
- 2.6 In preparing for the forthcoming meeting of the CWG, it was recognised that further legal assurance was required before any recommendations could be brought forward. A more thorough review of the legislative framework was therefore undertaken by the Monitoring Officer - including a detailed re-examination of sections 15 and 16 of the 1989 Act, as modified by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990. Informal advice and comparative insights were also sought from Monitoring Officer colleagues across Leicestershire to validate this understanding.
- 2.7 This more comprehensive legal analysis has confirmed that the earlier interpretation was incorrect. The statutory framework does not simply permit the Council to reserve seats for ungrouped Members - it requires it. This clarification corrects the earlier position and ensures that the Council's approach is now fully aligned with its legal obligations.
- 2.8 While it is of course regrettable that the previous understanding was incomplete, the revised position has been reached through a responsible and transparent process of legal re-evaluation, supported by external peer engagement and guided by principles of sound governance. The revised position has been brought to Members' attention as soon as reasonably practicable once the matter had been fully considered and verified.

3. Revised Review of Proportionality Arrangements

3.1 Politically Balanced Council Bodies

- 3.1.1 The following Council bodies are politically balanced:

Council Body	Current Seats
Development Control Committee	14
Policy, Finance & Development Committee	14
Service Delivery Committee	14
Licensing & Regulatory Committee	10
Place Shaping & Climate Change Working Group*	8
Audit Committee	7
Capital Projects Sub-Committee	7
Constitutional Working Group*	7
Armed Forces Working Group*	4
Children & Young Peoples' Forum*	4
Total(s)	89

* Whilst the following are not formal committees, these Council bodies are (and have been ordinarily calculated in accordance with political balance calculations.

3.1.2 The total number of seats across all politically balanced Council bodies is currently 89.

3.2 Political Balance of the Council

3.2.3 To calculate the number of seats each political group is entitled to:

- (i) The number of Members in each group is divided by the total number of Members (26);
- (ii) This number is multiplied by 100 giving membership of each group as a percentage (%);
- (iii) The total number of seats available across all Council bodies is multiplied by this %; and
- (iv) This number(s) is then rounded to the nearest whole number to give the seat numbers.

3.2.4 The revised composition of the Council, and the proportion of seats allocated by political group, is shown in the following table:

Members (26)	No.	%	Proportion of Seats Available	Rounded To
Liberal Democrat Group (LD)	16	61.54%	54.77	55
Conservative Group (CON)	5	19.23%	17.12	17
Ungrouped Independents (UI)	5	19.23%	17.12	17
Total(s)	26	100%	89.01	89

3.3 The political proportionality rules that apply in allocating seats on politically balanced Council bodies, set out in section 15 and 16 of the 1989 Act, apply only to political groups (i.e. 55 to the Liberal Democrat Group and 17 to the Conservative Group).

3.4 Once seats have been allocated to the political groups, the Council is then under a duty to allocate the remaining seats (17) to Members who are independent of political grouping. In effect, this does proportionately reserve seats to ungrouped Members in the same way.

3.5 Allocation of Seats and Sizes of Council Bodies

3.6 Using current 89 as the total number of seats across all politically balanced Council bodies, the following table shows the total number of seats each political group and ungrouped independents is entitled to for each, using the calculated proportions above.

3.7 To calculate the number of seats grouped and ungrouped Members are entitled to:

- (i) The number of seats on each body is multiplied the % across all available bodies; and
- (ii) This number(s) is then rounded to the nearest whole number to give the seat numbers;

3.8 As a result of rounding, this may require an increase or decrease in the size of the body.

Development Control Committee (14)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 14 =$	8.62	9
CON	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
UI	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
Figures rounded require an INCREASE ↑ in size to			15

Policy, Finance & Development Committee (14)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 14 =$	8.62	9
CON	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
UI	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
Figures rounded require an INCREASE ↑ in size to			15

Service Delivery Committee (14)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 14 =$	8.62	9
CON	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
UI	$5 \div 26 (19.23\%) \times 14 =$	2.69	3
Figures rounded require an INCREASE ↑ in size to			15

Licensing & Regulatory Committee (10)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 10 =$	6.15	6
CON	$5 \div 26 (19.23\%) \times 10 =$	1.92	2
UI	$5 \div 26 (19.23\%) \times 10 =$	1.92	2
Figures rounded require NO CHANGE – in size			10

Place Shaping & Climate Change Working Group (8)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 8 =$	4.92	5
CON	$5 \div 26 (19.23\%) \times 8 =$	1.54	2
UI	$5 \div 26 (19.23\%) \times 8 =$	1.54	2
Figures rounded require an INCREASE ↑ in size to			9

Audit Committee (7)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 7 =$	4.31	4
CON	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
UI	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
Figures rounded require a DECREASE ↓ in size to			6

Capital Projects Sub-Committee (7)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 7 =$	4.31	4
CON	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
UI	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
Figures rounded require a DECREASE ↓ in size to			6

Constitutional Working Group (7)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 7 =$	4.31	4
CON	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
UI	$5 \div 26 (19.23\%) \times 7 =$	1.35	1
Figures rounded require a DECREASE ↓ in size to			6

Armed Forces Working Group (4)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 4 =$	2.46	2
CON	$5 \div 26 (19.23\%) \times 4 =$	0.77	1
UI	$5 \div 26 (19.23\%) \times 4 =$	0.77	1
Figures rounded require NO CHANGE – in size			4

Children & Young Peoples' Forum (4)		Proportion	Rounded To
LD	$16 \div 26 (61.54\%) \times 4 =$	2.46	2
CON	$5 \div 26 (19.23\%) \times 4 =$	0.77	1
UI	$5 \div 26 (19.23\%) \times 4 =$	0.77	1
Figures rounded require NO CHANGE – in size			4

- 3.9 With each political group and ungrouped Independents being allocated seats with its proportional entitlement rounded accordingly, the changes are shown in the following table:

Council Body	Seats	LD	CON	UI
Development Control Committee	15 ⁽⁺¹⁾	9 ⁽⁻¹⁾	3 ⁽⁻¹⁾	3 ⁽⁺³⁾
Policy, Finance & Development Committee	15 ⁽⁺¹⁾	9 ⁽⁻¹⁾	3 ⁽⁻¹⁾	3 ⁽⁺³⁾
Service Delivery Committee	15 ⁽⁺¹⁾	9 ⁽⁻¹⁾	3 ⁽⁻¹⁾	3 ⁽⁺³⁾

Licensing & Regulatory Committee	10 ⁽⁰⁾	6 ⁽⁻¹⁾	2 ⁽⁻¹⁾	2 ⁽⁺²⁾
Place Shaping & Climate Change Working Group	9 ⁽⁺¹⁾	5 ⁽⁻¹⁾	2 ⁽⁰⁾	2 ⁽⁺²⁾
Audit Committee	6 ⁽⁻¹⁾	4 ⁽⁻¹⁾	1 ⁽⁻¹⁾	1 ⁽⁺¹⁾
Capital Projects Sub-Committee	6 ⁽⁻¹⁾	4 ⁽⁻¹⁾	1 ⁽⁻¹⁾	1 ⁽⁺¹⁾
Constitutional Working Group	6 ⁽⁻¹⁾	4 ⁽⁻¹⁾	1 ⁽⁻¹⁾	1 ⁽⁺¹⁾
Armed Forces Working Group	4 ⁽⁰⁾	2 ⁽⁻¹⁾	1 ⁽⁰⁾	1 ⁽⁺¹⁾
Children & Young Peoples' Forum	4 ⁽⁰⁾	2 ⁽⁻¹⁾	1 ⁽⁰⁾	1 ⁽⁺¹⁾
Total(s)	90	54	18	18

4. Revised Removal and Appointments of Members to Council Bodies

4.1 The revised political balance of the Council affects the following Council Bodies:

4.1.1 The Liberal Democrat Group **LOOSE** one (1) seat on:

- Development Control Committee
- Policy, Finance & Development Committee
- Service Delivery Committee
- Licensing & Regulatory Committee
- Place Shaping & Climate Change Working Group
- Audit Committee
- Capital Projects Sub-Committee
- Constitutional Working Group
- Armed Forces Working Group
- Children & Young Peoples' Forum

4.1.2 The Conservative Group **LOOSE** one (1) seat on:

- Development Control Committee
- Policy, Finance & Development Committee
- Service Delivery Committee
- Licensing & Regulatory Committee
- Audit Committee
- Capital Projects Sub-Committee
- Constitutional Working Group

4.1.3 There is one (1) **VACANCY** for the Conservative Group on:

- Development Control Committee
- Place Shaping & Climate Change Working Group

4.1.4 The Ungrouped Independents **GAIN**:

(i) three (3) seats on:

- Development Control Committee
- Policy, Finance & Development Committee
- Service Delivery Committee

(ii) two (2) seats on:

- Licensing & Regulatory Committee

- Place Shaping & Climate Change Working Group

(iii) one (1) seat on:

- Audit Committee
- Capital Projects Sub-Committee
- Constitutional Working Group
- Armed Forces Working Group
- Children & Young Peoples' Forum

- 4.2 The necessary removals and appointments of Members from/to those affected Council bodies at set out at sections 4.1.1 to 4.1.4 of the report for the remainder of the municipal year 2025/26 may be proposed, seconded and resolved before or at the meeting itself:
- 4.2.5 For the Liberal Democrat Group and Conservative Group, taking into account wishes of those political groups' Leaders and/or Deputy Leaders etc.; and
- 4.2.6 For the ungrouped Independent Members, taking into account any expression(s) of interest from those Members to which Council bodies they may prefer to sit on, subject to the Full Council reserving the right to so-appoint in its discretion.