

1. SECTION 10 - POLITICAL BALANCE PROCEDURE RULES

1.1 Overview of the Political Proportionality Rules etc.

- 1.1.1 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.
- 1.1.2 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).
- 1.1.3 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).
- 1.1.4 The allocation of seats must conform to the principles of proportionality contained in sections 15 and 16 of the 1989 Act. There is a duty to give effect to the following principles, as far as reasonably practicable, in the priority order as shown:
- (i) "Not all the seats on the body are allocated to the same political group;"
 - (ii) "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;"
 - (iii) "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
 - (iv) "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."
- 1.1.5 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.

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- 1.1.6 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.”

- 1.1.7 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.”

- 1.1.8 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.
- 1.1.9 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.
- 1.1.10 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.

1.2 Practical Application of the Political Proportionality Rules etc.

To give practical effect to the statutory principles set out above, the following method shall be applied when reviewing and determining the allocation of seats on Council bodies. This process ensures that the distribution of seats properly reflects the overall political composition of the Council and that ungrouped Independent Members are represented in accordance with sections 15 and 16 of the 1989 Act and the 1990 Regulations.

(i) Determine total seats subject to proportionality

The first step is to identify and confirm the total number of seats across all Council bodies that are subject to political balance. These typically include all “ordinary committees” of the Council exercising decision-making or regulatory functions, together with any sub-committees or panels which the Council has, by local convention, resolved to treat as politically balanced. This total provides the baseline figure to which the proportionality calculations are applied.

(ii) Calculate proportional representation

Next, calculate the proportion that each political group forms of the total membership of the Council. This is achieved by dividing the number of Members in each political group by the total number of Members on the Council. The same calculation is then applied to determine the proportion of Members who are not part of any political group (“ungrouped Independent Members”). The proportions produced through this calculation establish each group’s and the independents’ entitlement to committee seats across all politically balanced Council bodies.

(iii) Apply proportions to total Council body seats

The proportions calculated at step (ii) are then applied to the total number of available seats to determine the aggregate entitlement of each political group and of ungrouped Independent Members. The statutory requirement to give effect to proportionality “so far as reasonably practicable” is achieved by rounding down fractional entitlements of less than one-half and rounding up those of one-half or more. Where this process results in a total greater or less than the number of available seats, adjustments must

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be made to ensure the overall total matches the number of seats to be filled. This may, where necessary, include minor adjustments to the size of individual Council bodies to equitably preserve balance and proportional representation.

(iv) Practical arrangements for ungrouped Independent Members:

Once the number of seats to be reserved for ungrouped Independent Members has been determined, the Monitoring Officer will invite those Members to express their interest in serving on particular Council bodies. The Monitoring Officer will facilitate discussions to identify individual preferences and, where achieved, Full Council will give effect to these preferences as may be expressed. Where an ungrouped Member does not express interest in any of the available seats, those seats will remain vacant unless and until a subsequent nomination is made and approved by Full Council. Where the number of expressions of interest from ungrouped Independent Members exceeds the number of available seats, the allocation of those seats will be determined by the drawing of lots. This will be conducted transparently by the Monitoring Officer, at the meeting of Full Council at which appointments are confirmed.