

Council Report

Ward(s) affected: n/a

Report of Director of Finance

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## **Review of Allocation of Seats on Committees: 2018-19**

### **Executive Summary**

On 23 May 2018, Councillor Tony Rooth gave notice in writing to the Democratic Services Manager that he no longer wished to remain a member of the Conservative Group, which came into immediate effect. Councillor Rooth is now an independent member.

The political balance on the Council is now:

Conservatives: 33

Liberal Democrats: 9

Guildford Greenbelt Group: 3

Labour: 2

Independent: 1

Under Council Procedure Rule 23, whenever there is a change in the political constitution of the Council, the Council must, as soon as reasonably practicable, review the allocation of seats on committees to political groups.

Councillor Rooth is currently a full member of the Planning Committee, Overview and Scrutiny Committee, and the Society, Environment, and Council Development EAB; and a substitute member of the Borough, Economy and Infrastructure EAB. These appointments were approved by the Council on 15 May 2018 when Councillor Rooth was still a member of the Conservative group.

This report deals with the review and proposes two options for a revised numerical allocation of seats on committees for consideration by the Council.

### **Recommendation to Council:**

The Council is invited to consider Options A and B set out respectively in Appendices 3 and 4 to this report and, subject to whichever option is approved, to make any necessary appointments to committees.

Reasons for Recommendation:

- To comply with Council Procedure Rules 23 of the Constitution in respect of the appointment of committees
- To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality on its committees.

**1. Purpose of report**

- 1.1 The Council is asked to review the numerical allocation of seats on committees to political groups following the resignation of Councillor Tony Rooth from the Conservative Group.

**2. Background**

- 2.1 Under Council Procedure Rule 23, the Council is required to review the allocation of seats on committees to political groups at its Selection meeting and as soon as reasonably practicable following any change in the political constitution of the Council or as otherwise required by statute. Wherever such a review is required, the Democratic Services Manager will submit a report to the Council showing what allocation of seats would best meet the requirements for political balance.

**3. Main Considerations**

Requirement for political balance and numerical allocation of seats on committees

- 3.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups. The Council must give effect, *as far as reasonably practicable*, to the following four principles in constituting its committees or sub-committees:
- (a) where there is more than one political group, all the seats must not be allocated to the same political group;
  - (b) the majority of seats must be allocated to the political group with the majority on the full Council;
  - (c) the number of seats on each individual Committee or sub-committee of the Council allocated to each political group bears the same proportion on the full Council; and
  - (d) the number of seats on the total of all the Committees or sub-committees allocated to each political group should bear the same proportion to the proportions on the full Council.
- 3.2 Regulations made under the 1989 Act<sup>1</sup>, make provision for securing the political balance on councils and their committees and for determining the voting rights of members of certain committees. These Regulations make no reference to the treatment of councillors who are not members of a political group in councils which are divided into political groups.

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<sup>1</sup> The Local Government (Committees and Political Groups) Regulations 1990 (as amended),

- 3.3 Details of the current numerical allocation of seats on the committees to the political groups, which were approved by the Council at its Selection Meeting on 15 May 2018, are shown in **Appendix 1** to this report.
- 3.4 In light of Councillor Rooth's resignation from the Conservative Group and his wish to be regarded as an Independent Member, the political complexion of the Council is now as follows:
- Conservatives: 33  
Liberal Democrats: 9  
Guildford Greenbelt Group: 3  
Labour: 2  
Independent: 1
- 3.5 The first stage of the review is to make a *notional* calculation of the numerical allocation of seats based on the percentage of seats to which each political group and the independent member would be entitled when applying the normal rounding up/down rules. This notional calculation is set out in **Appendix 2**.
- 3.6 There is no strict entitlement calculation applicable to councillors who are not members of a political group; however, following the calculations and allocation of seats to political groups, the Council may exercise its discretion by appointing the non-grouped member to any seats not otherwise allocated, provided that no councillor votes against the proposal. In doing this, the Council may also allocate seats to those committees requiring a balancing adjustment.
- 3.7 The notional calculation in **Appendix 2** shows that:
- An adjustment of one additional seat has to be allocated to the Corporate Governance and Standards Committee
  - The Conservative Group has a variance of -1 compared with the rounded notional total number of seats
  - The Labour Group has a variance of +2 compared with the rounded notional total number of seats
  - The Independent Member has a variance of -2 compared with the rounded notional total number of seats
- 3.8 The anomaly with regard to the membership of the Corporate Governance and Standards Committee can be addressed by allocating the remaining seat to the Guildford Greenbelt Group (GGG), which would mean GGG having no seat on the Borough EAB, thus keeping their total number of seats on committees to the current five. As this reflects the current allocation, no actual changes are required in this regard.
- 3.9 The anomaly around the allocation of two additional seats to the Labour Group is due principally to the rounding up (from 0.5 seats) on the notional calculation. Similarly, the notional calculation rounds down to zero the entitlement to any seats for the independent member.
- 3.10 Stage two of the review requires the Council to make the necessary adjustments to ensure a more equitable outcome in order to give effect, *as far as reasonably practicable*, to the four principles referred to in paragraph 3.1 above.
- 3.11 As the changes to the allocation of seats arising from Councillor Rooth's resignation from the Conservative Group only affect that Group, and following consultation with

the Conservative Group leader, two options in respect of the draft calculation of the numerical allocation of seats on committees for the remainder of the 2018-19 municipal year have been proposed.

#### Option A

3.12 Option A, as shown in **Appendix 3**, proposes the following changes to the allocation of seats and appointments to committees agreed by the Council at the Selection Meeting on 15 May 2018:

- (a) Re-appointment of Councillor Tony Rooth as an Independent member on the Planning Committee, with the number of Conservative members on that Committee reducing from 10 to 9, thus maintaining a total of 15 councillors on the Planning Committee;
- (b) Re-appointment of Councillor Tony Rooth as an Independent member on the Overview and Scrutiny Committee, with the number of Conservative members on that Committee reducing from 8 to 7, thus maintaining a total of 12 councillors on the Overview and Scrutiny Committee;
- (c) Deletion of Councillor Tony Rooth from the list of members of the Society EAB;
- (d) Appointment of one Conservative member on the Society EAB to replace Councillor Rooth, thus maintaining a total of 15 councillors on that EAB;
- (e) Deletion of Councillor Rooth from the list of substitute members on the Borough EAB; and
- (f) Appointment of one Conservative member as a substitute member on the Borough EAB to replace Councillor Rooth.

#### Option B

3.13 Option B, as shown in **Appendix 4**, proposes the following changes to the allocation of seats and appointments to committees agreed by the Council at the Selection Meeting on 15 May 2018:

- (a) Deletion of Councillor Tony Rooth from the list of members of the Planning Committee;
- (b) Appointment of one Conservative member on the Planning Committee to replace Councillor Rooth, thus maintaining a total of 15 councillors on that Committee;
- (c) Re-appointment of Councillor Tony Rooth as an Independent member on the Overview and Scrutiny Committee, with the number of Conservative members on that Committee reducing from 8 to 7, thus maintaining a total of 12 councillors on the Overview and Scrutiny Committee;
- (d) Re-appointment of Councillor Tony Rooth as an Independent member on the Society EAB, with the number of Conservative members on that EAB reducing from 8 to 7, thus maintaining a total of 12 councillors on the Society EAB;

- (e) Deletion of Councillor Rooth from the list of substitute members on the Borough EAB; and
- (f) Appointment of one Conservative member as a substitute member on the Borough EAB to replace Councillor Rooth.

#### **4. Legal implications**

- 4.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations, to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political groups or following any change in the political constitution of the Council.
- 4.2 Under Section 17 of the 1989 Act, a proposal to allocate seats on committees otherwise than in accordance with the requirements for ensuring political balance, including allocating seats to a councillor who is not a member of a political group, may only be implemented if no councillor votes against the proposal.
- 4.3 In the event of any such dissent, the Council may approve an alternative proposal provided that it meets the political balance requirements.

#### **5. Financial Implications**

- 5.1 There are no financial implications arising from this report.

#### **6. Human resource Implications**

- 6.1 There are no human resource implications arising from this report.

#### **7. Background Papers**

None

#### **8. Appendices**

- Appendix 1: Current numerical allocation of seats on committees for 2018-19 as agreed by Council on 15 May 2018
- Appendix 2: Notional calculation of the numerical allocation of seats on committees for 2018-19 following Cllr Rooth's resignation from the Conservative Group
- Appendix 3: Draft calculation of the numerical allocation of seats on committees for the remainder of 2018-19 (Option A)
- Appendix 4: Draft calculation of the numerical allocation of seats on committees for the remainder of 2018-19 (Option B)

## Current Numerical Allocation of Seats on Committees: 2018-19 as agreed by Council on 15 May 2018

| Committee  | Conservatives   | Liberal Democrats                                     | Guildford Greenbelt Group                        | Labour   |
|--|---|---|--|--|
| <b>Total no. of seats on the Council</b>                                 | <b>34</b>   | <b>9</b>  | <b>3</b>   | <b>2</b>   |
| <b>% of no. of seats on the Council</b>                                  | <b>70.83%</b>   | <b>18.75%</b>   | <b>6.25%</b>                                     | <b>4.17%</b>                                     |
| <b>Corporate Governance &amp; Standards Committee (7 seats)</b>          | 4.96 seats rounded<br>up to <b>5</b>                  | 1.31 seats rounded<br>down to <b>1</b>                | 0.44 seats rounded<br>up to <b>1</b>             | 0.29 seats rounded<br>down to <b>0</b>           |
| <b>Employment Committee (3 seats)</b>                                    | 2.12 seats rounded<br>down to <b>2</b>                | 0.56 seats rounded<br>up to <b>1</b>                  | 0.19 seats rounded<br>down to <b>0</b>           | 0.13 seats rounded<br>down to <b>0</b>           |
| <b>Borough, Economy &amp; Infrastructure EAB (12 seats)</b>              | 8.5 seats rounded<br>up to <b>9</b>                   | 2.25 seats rounded<br>up to <b>3</b>                  | 0.75 seats rounded<br>down to <b>0</b>           | 0.5 seats rounded<br>down to <b>0</b>            |
| <b>The Society, Environment &amp; Council Development EAB (12 seats)</b> | 8.5 seats rounded<br>down to <b>8</b>                 | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              |
| <b>Overview &amp; Scrutiny Committee (12 seats)</b>                      | 8.5 seats rounded<br>down to <b>8</b>                 | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              |
| <b>Licensing Committee (15 seats)</b>                                    | 10.62 seats rounded<br>up to <b>11</b>                | 2.81 seats rounded<br>down to <b>2</b>                | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             |
| <b>Planning Committee (15 seats)</b>                                     | 10.62 seats rounded<br>down to <b>10</b>              | 2.81 seats rounded<br>up to <b>3</b>                  | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             |
| <b>Total no. of seats on committees (76 seats)</b>                       | <b>53</b><br>53.83 seats rounded<br>down to <b>53</b> | <b>14</b><br>14.25 seats rounded<br>down to <b>14</b> | <b>5</b><br>4.75 seats rounded<br>up to <b>5</b> | <b>4</b><br>3.17 seats rounded<br>up to <b>4</b> |
| <b>% of total no. of seats on committees</b>                             | 69.74%<br>(-1.09%)                                    | 18.42%<br>(-0.33%)                                    | 6.58%<br>(+0.33%)                                | 5.26%<br>(+1.09%)                                |

## Notional Calculation of the Numerical Allocation of Seats on Committees: 2018-19 following Cllr Rooth's resignation from the Conservative Group

| Committee   | Conservatives                         | Liberal Democrats                   | GGG                                 | Labour                              | Independent                         | Adjustment |
|---|---------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|------------|
| Total no. of seats on the Council                         | <b>33</b>                             | <b>9</b>                            | <b>3</b>                            | <b>2</b>                            | <b>1</b>                            |            |
| % of no. of seats on the Council                          | <b>68.75%</b>                         | <b>18.75%</b>                       | <b>6.25%</b>                        | <b>4.17%</b>                        | <b>2.08%</b>                        |            |
| Notional total number of seats on committees (Total: 76)  | <b>52.25</b><br>Rounded down to 52    | <b>14.25</b><br>Rounded down to 14  | <b>4.75</b><br>Rounded up to 5      | <b>3.17</b><br>Rounded down to 3    | <b>1.58</b><br>Rounded up to 2      |            |
| Corporate Governance & Standards Committee (7 seats)      | 4.81 seats rounded up to <b>5</b>     | 1.31 seats rounded down to <b>1</b> | 0.44 seats rounded down to <b>0</b> | 0.29 seats rounded down to <b>0</b> | 0.15 seats rounded down to <b>0</b> | <b>+ 1</b> |
| Employment Committee (3 seats)                            | 2.06 seats rounded down to <b>2</b>   | 0.56 seats rounded up to <b>1</b>   | 0.19 seats rounded down to <b>0</b> | 0.13 seats rounded down to <b>0</b> | 0.06 seats rounded down to <b>0</b> |            |
| Borough, Economy & Infrastructure EAB (12 seats)          | 8.25 seats rounded down to <b>8</b>   | 2.25 seats rounded down to <b>2</b> | 0.75 seats rounded up to <b>1</b>   | 0.5 seats rounded up to <b>1</b>    | 0.25 seats rounded down to <b>0</b> |            |
| Society, Environment & Council Development EAB (12 seats) | 8.25 seats rounded down to <b>8</b>   | 2.25 seats rounded down to <b>2</b> | 0.75 seats rounded up to <b>1</b>   | 0.5 seats rounded up to <b>1</b>    | 0.25 seats rounded down to <b>0</b> |            |
| Overview & Scrutiny Committee (12 seats)                  | 8.25 seats rounded down to <b>8</b>   | 2.25 seats rounded down to <b>2</b> | 0.75 seats rounded up to <b>1</b>   | 0.5 seats rounded up to <b>1</b>    | 0.25 seats rounded down to <b>0</b> |            |
| Licensing Committee (15 seats)                            | 10.31 seats rounded down to <b>10</b> | 2.81 seats rounded up to <b>3</b>   | 0.94 seats rounded up to <b>1</b>   | 0.63 seats rounded up to <b>1</b>   | 0.31 seats rounded down to <b>0</b> |            |
| Planning Committee (15 seats)                             | 10.31 seats rounded down to <b>10</b> | 2.81 seats rounded up to <b>3</b>   | 0.94 seats rounded up to <b>1</b>   | 0.63 seats rounded up to <b>1</b>   | 0.31 seats rounded down to <b>0</b> |            |
| Total no. of seats on committees                          | <b>51</b>                             | <b>14</b>                           | <b>5</b>                            | <b>5</b>                            | <b>0</b>                            |            |
| Variance from rounded notional entitlement                | <b>-1</b>                             | <b>0</b>                            | <b>0</b>                            | <b>+2</b>                           | <b>-2</b>                           |            |

**Draft Calculation of the Numerical Allocation of Seats on Committees: 2018-19**  
(Option A)

| Committee   | Conservatives   | Liberal Democrats                                     | GGG  | Labour   | Independent                                      |
|---|---|---|--|--|--|
| Total no. of seats on the Council                             | <b>33</b>   | <b>9</b>  | <b>3</b>   | <b>2</b>   | <b>1</b>   |
| % of no. of seats on the Council                              | <b>68.75%</b>   | <b>18.75%</b>   | <b>6.25%</b>                                     | <b>4.17%</b>                                     | <b>2.08%</b>                                     |
| Corporate Governance & Standards Committee (7 seats)          | 4.81 seats rounded<br>up to <b>5</b>                  | 1.31 seats rounded<br>down to <b>1</b>                | 0.44 seats rounded<br>up to <b>1</b>             | 0.29 seats rounded<br>down to <b>0</b>           | 0.15 seats rounded<br>down to <b>0</b>           |
| Employment Committee (3 seats)                                | 2.06 seats rounded<br>down to <b>2</b>                | 0.56 seats rounded<br>up to <b>1</b>                  | 0.19 seats rounded<br>down to <b>0</b>           | 0.13 seats rounded<br>down to <b>0</b>           | 0.06 seats rounded<br>down to <b>0</b>           |
| Borough, Economy & Infrastructure EAB (12 seats)              | 8.25 seats rounded<br>up to <b>9</b>                  | 2.25 seats rounded<br>up to <b>3</b>                  | 0.75 seats rounded<br>down to <b>0</b>           | 0.5 seats rounded<br>down to <b>0</b>            | 0.25 seats rounded<br>down to <b>0</b>           |
| The Society, Environment & Council Development EAB (12 seats) | 8.25 seats rounded<br>down to <b>8</b>                | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              | 0.25 seats rounded<br>down to <b>0</b>           |
| Overview & Scrutiny Committee (12 seats)                      | 8.25 seats rounded<br>down to <b>7</b>                | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              | 0.25 seats rounded<br>up to <b>1</b>             |
| Licensing Committee (15 seats)                                | 10.31 seats rounded<br>up to <b>11</b>                | 2.81 seats rounded<br>down to <b>2</b>                | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             | 0.31 seats rounded<br>down to <b>0</b>           |
| Planning Committee (15 seats)                                 | 10.31 seats rounded<br>down to <b>9</b>               | 2.81 seats rounded<br>up to <b>3</b>                  | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             | 0.31 seats rounded<br>up to <b>1</b>             |
| Total no. of seats on committees (76 seats)                   | <b>51</b><br>52.25 seats rounded<br>down to <b>51</b> | <b>14</b><br>14.25 seats rounded<br>down to <b>14</b> | <b>5</b><br>4.75 seats rounded<br>up to <b>5</b> | <b>4</b><br>3.17 seats rounded<br>up to <b>4</b> | <b>2</b><br>1.58 seats rounded<br>up to <b>2</b> |
| % of total no. of seats on committees<br>(variance)           | 67.11%<br>(-1.64%)                                    | 18.42%<br>(-0.33%)                                    | 6.58%<br>(+0.33%)                                | 5.26%<br>(+1.09%)                                | 2.63%<br>(+0.55%)                                |



**Draft Calculation of the Numerical Allocation of Seats on Committees: 2018-19**  
(Option B)

| Committee  | Conservatives   | Liberal Democrats                                     | GGG  | Labour   | Independent  |
|--|---|---|--|--|--|
| <b>Total no. of seats on the Council</b>                                 | <b>33</b>   | <b>9</b>  | <b>3</b>   | <b>2</b>   | <b>1</b>   |
| <b>% of no. of seats on the Council</b>                                  | <b>68.75%</b>   | <b>18.75%</b>   | <b>6.25%</b>                                     | <b>4.17%</b>                                     | <b>2.08%</b>                                       |
| <b>Corporate Governance &amp; Standards Committee (7 seats)</b>          | 4.81 seats rounded<br>up to <b>5</b>                  | 1.31 seats rounded<br>down to <b>1</b>                | 0.44 seats rounded<br>up to <b>1</b>             | 0.29 seats rounded<br>down to <b>0</b>           | 0.15 seats rounded<br>down to <b>0</b>             |
| <b>Employment Committee (3 seats)</b>                                    | 2.06 seats rounded<br>down to <b>2</b>                | 0.56 seats rounded<br>up to <b>1</b>                  | 0.19 seats rounded<br>down to <b>0</b>           | 0.13 seats rounded<br>down to <b>0</b>           | 0.06 seats rounded<br>down to <b>0</b>             |
| <b>Borough, Economy &amp; Infrastructure EAB (12 seats)</b>              | 8.25 seats rounded<br>up to <b>9</b>                  | 2.25 seats rounded<br>up to <b>3</b>                  | 0.75 seats rounded<br>down to <b>0</b>           | 0.5 seats rounded<br>down to <b>0</b>            | 0.25 seats rounded<br>down to <b>0</b>             |
| <b>The Society, Environment &amp; Council Development EAB (12 seats)</b> | 8.25 seats rounded<br>down to <b>7</b>                | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              | 0.25 seats rounded<br>up to <b>1</b>               |
| <b>Overview &amp; Scrutiny Committee (12 seats)</b>                      | 8.25 seats rounded<br>down to <b>7</b>                | 2.25 seats rounded<br>down to <b>2</b>                | 0.75 seats rounded<br>up to <b>1</b>             | 0.5 seats rounded<br>up to <b>1</b>              | 0.25 seats rounded<br>up to <b>1</b>               |
| <b>Licensing Committee (15 seats)</b>                                    | 10.31 seats rounded<br>up to <b>11</b>                | 2.81 seats rounded<br>down to <b>2</b>                | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             | 0.31 seats rounded<br>down to <b>0</b>             |
| <b>Planning Committee (15 seats)</b>                                     | 10.31 seats rounded<br>down to <b>10</b>              | 2.81 seats rounded<br>up to <b>3</b>                  | 0.94 seats rounded<br>up to <b>1</b>             | 0.63 seats rounded<br>up to <b>1</b>             | 0.31 seats rounded<br>down to <b>0</b>             |
| <b>Total no. of seats on committees (76 seats)</b>                       | <b>51</b><br>52.25 seats rounded<br>down to <b>51</b> | <b>14</b><br>14.25 seats rounded<br>down to <b>14</b> | <b>5</b><br>4.75 seats rounded<br>up to <b>5</b> | <b>4</b><br>3.17 seats rounded<br>up to <b>4</b> | <b>2</b><br>1.58 seats rounded<br>down to <b>1</b> |
| <b>% of total no. of seats on committees (variance)</b>                  | 67.11%<br>(-1.64%)                                    | 18.42%<br>(-0.33%)                                    | 6.58%<br>(+0.33%)                                | 5.26%<br>(+1.09%)                                | 2.63%<br>(+0.55%)                                  |