

Council Report

Ward(s) affected: n/a

Report of Director of Resources

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## Review of Allocation of Seats on Committees: 2020-21

### Executive Summary

At its Selection Meeting on 19 May 2020, the Council agreed the numerical allocation of seats on committees to the political groups on the Council as set out in **Appendix 1**.

On 5 June 2020, Councillor Patrick Sheard passed away, which has resulted in the reduction in the membership of the Guildford Greenbelt Group on the Council to three. In normal circumstances, following the death of a councillor, a vacancy is declared by way of a public notice and, upon receipt of a written request for an election signed by two registered local government electors within the borough, a by-election is held to fill the vacancy within 35 working days.

Following Councillor Sheard's funeral, we published a notice of vacancy on 29 June 2020 in respect of the vacant seat in the Send ward. However, due to the ongoing COVID-19 pandemic, it is not currently possible to hold a by-election until 6 May 2021.

On 2 July 2020, the proper officer<sup>1</sup> received notice signed by Councillors David Bilbe, Richard Billington, Graham Eyre, and Paul Spooner that they wished to be treated as members of a new political group on the Council, namely the "Conservative Independent Group". Councillor Spooner is the leader, and Councillor Bilbe, the deputy leader of the new group.

Taking into account Councillor Sheard's death, and the constitution of the new political group, the political balance on the Council is now:

Guildford Liberal Democrats: 17  
Residents for Guildford and Villages: 16  
Conservative Group: 4  
Conservative Independent Group: 4  
Guildford Greenbelt Group: 3  
Labour: 2  
Independent: 1  
Vacancy: 1

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<sup>1</sup> the Democratic Services and Elections Manager

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 numerical allocation of seats on committees to political groups.

This report sets out, in **Appendix 2**, the notional calculation of the numerical allocation of seats on committees 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.

The notional calculation invariably requires refinement in terms of adjustments to meet the required number of members on committees etc.

It has been suggested, in discussions with group leaders following Councillor Sheard's death, that there should be no change in the Guildford Greenbelt Group's current allocation of seats pending a by-election, which is unlikely to take place until May 2021. It is possible for the Council to determine that no changes be made to the current numerical allocation of seats to the Guildford Greenbelt Group until a by-election is held, provided that no councillor votes against the proposal. If that were agreed, the Council would then have to agree a numerical allocation of seats on committees to accommodate the new Conservative Independent Group for the remainder of the 2020-21 Municipal Year, which could be done by way of a simple majority vote.

Option 1 set out in **Appendix 3** sets out a proposed calculation of numerical allocation of seats which:

- accommodates the making of no changes to the Guildford Greenbelt Group's current allocation of seats,
- allocates seats to the new Conservative Independent Group,
- reduces the number of seats allocated to the Conservative Group and in so doing, makes the least number of changes to existing committee memberships

If any councillor voted against the proposal to make no change to Guildford Greenbelt Group's current allocation of seats, Option 2 as shown in **Appendix 4** sets out a suggested numerical allocation of seats on committees to political groups that would best meet, as far as reasonably practicable, the requirements for political balance for the remainder of the 2020-21 Municipal Year.

#### **Recommendation to Council:**

- (1) The Council is invited first to consider in the light of the vacancy in the Send ward caused by the death of Councillor Patrick Sheard and the postponement of any by-election to fill that vacancy until 6 May 2021, whether any change should be made to the Guildford Greenbelt Group's current allocation of seats on committees for the 2020-21 municipal year as shown in **Appendix 1**.

[NB. For paragraph (1) to take effect, it would need to be carried with no councillor voting against]

If paragraph (1) is carried.

- (2) The Council is then invited to consider in the light of the constitution of the new Conservative Independent Group the proposed numerical allocation of seats on committees for the remainder of the 2020-21 Municipal Year, which is referred to as Option 1 in **Appendix 3** to this report.

If paragraph (1) is not carried.

- (3) The Council would then be invited to consider in the light of the vacancy in the Send ward and the constitution of the new Conservative Independent Group the proposed numerical allocation of seats on committees for the remainder of the 2020-21 Municipal Year shown as Option 2 in **Appendix 4** to this report.

[NB. For paragraphs (2) or (3) to take effect, a simple majority of councillors voting would be required]

Reason for Recommendation:

To enable the Council to comply with Council Procedure Rule 23 in respect of the appointment of committees and 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:

- (a) the death of Councillor Patrick Sheard on 5 June 2020; and  
(b) the constitution of the new Conservative Independent Group on 2 July 2020.

## 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 annual 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 and Elections Manager will submit a report to the Council showing what allocation of seats would best meet, as far as reasonably practicable, the requirements for political balance.

## 3. Main Considerations

- 3.1 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 19 May 2020, are shown in **Appendix 1** to this report.

### Death of Councillor Patrick Sheard

- 3.2 Councillor Sheard passed away on 5 June 2020. In normal circumstances, following the death of a councillor, a vacancy is declared by way of a public notice and, upon receipt of a written request for an election signed by two registered local government electors within the borough, a by-election is held to fill the vacancy within 35 working days.
- 3.3 Following Councillor Sheard's funeral, the proper officer<sup>2</sup> published a notice of vacancy on 29 June 2020 in respect of the vacant seat in the Send ward. However, due to the ongoing COVID-19 pandemic, it is not currently possible to hold a by-election until 6 May 2021. Consequently, the Council must determine any revised numerical allocation of seats on committees for the remainder of the 2020-21 municipal year based on a total of 47 councillors.

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<sup>2</sup> In this case the proper officer is the returning officer

### Constitution of a new political group on the Council

- 3.4 On 2 July 2020, the proper officer<sup>3</sup> received notice signed by Councillors David Bilbe, Richard Billington, Graham Eyre, and Paul Spooner that they wished to be treated as members of a new political group on the Council, namely the Conservative Independent Group. Councillors Spooner is the leader, and Councillor Bilbe, the deputy leader of the new group. This notice also had the effect of simultaneously ceasing the membership of Councillors Bilbe, Billington, Eyre, and Spooner of the Conservative group.
- 3.5 Taking into account Councillor Sheard's death, and the constitution of the new political group, the political balance on the Council is now:

Guildford Liberal Democrats: 17  
Residents for Guildford and Villages: 16  
Conservative Group: 4  
Conservative Independent Group: 4  
Guildford Greenbelt Group: 3  
Labour: 2  
Independent: 1  
Vacancy: 1

### Reviewing the numerical allocation of seats on Committees

- 3.6 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**.
- 3.7 The **notional calculation** shows that the following adjustments are necessary:
- To increase the allocation of seats on the Employment Committee by one
  - To increase the allocation of seats on the Licensing Committee by one
  - To increase the allocation of seats on the Planning Committee by one
  - To increase the allocation of seats to the Guildford Liberal Democrat Group by one as that group is now entitled to thirty-one seats overall
  - To increase the allocation of seats to the Residents for Guildford and Villages Group by one as that group is entitled to twenty-nine seats overall
  - To reduce the allocation of seats to the Guildford Greenbelt Group (GGG) by two as that group is now only entitled to five seats overall
  - To reduce the allocation of seats to the Labour Group by one as that group is only entitled to four seats overall
  - To make provision for an allocation of two seats to the independent member
- 3.8 Taking all this into account, the second stage of the review is to agree a numerical allocation of seats to political groups on committees that addresses the need for the adjustments and meets, as far as reasonably practicable, the requirements for political balance for the remainder of the 2020-21 municipal year.
- 3.9 In the light of the very unfortunate circumstances leading to the vacancy and given that a by-election to fill the vacancy is unlikely to be held before 6 May 2021, group leaders have discussed the matter informally and have indicated that they would be happy to recommend to their respective groups that no change be made to the number of seats

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<sup>3</sup> the Democratic Services and Elections Manager

allocated to the GGG approved by the Council at the Selection Meeting on 19 May 2020 (i.e. seven in total), which is shown in **Appendix 1**. However, as this would not strictly be in accordance with the political balance requirements, a motion to make no such change would need to be carried with no councillor voting against the motion.

- 3.10 The proposed numerical allocation of seats on committees to political groups referred to as Option 1 and set out in **Appendix 3**:
- accommodates the making of no change to the GGG's current allocation of seats,
  - allocates seats to the new Conservative Independent Group and
  - reduces the number of seats allocated to the Conservative Group
- 3.11 Councillors will note that Option 1 retains, as far as possible, existing committee memberships of councillors in the Conservative Group and the Conservative Independent Group, with the only changes necessary being to the Licensing Committee and the Overview and Scrutiny Committee.
- 3.12 The Licensing Committee currently includes Councillors Manning and Moseley (both Conservative Group members). This would change to one Conservative Group member and one Conservative Independent Group member on that Committee. Similarly, the Overview and Scrutiny Committee currently includes Councillors Spooner and Eyre (both Conservative Independent Group members). This would change to one Conservative Group member and one Conservative Independent Group member on that Committee.
- 3.13 If any councillor voted against the proposal to make no change to Guildford Greenbelt Group's current allocation of seats, Option 2 shown in **Appendix 4** sets out a suggested numerical allocation of seats on committees to political groups that would best meet, as far as reasonably practicable, the requirements for political balance for the remainder of the 2020-21 Municipal Year.
- 3.14 Options are not exhaustive as other permutations are possible which could still meet, as far as reasonably practicable, the requirements for political balance.

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

##### Requirement for political balance and numerical allocation of seats on committees

- 4.1 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 so far as reasonably practicable*, to the following four principles in constituting its committees:
- (a) that not all of the seats on any committee are allocated to the same political group;
  - (b) that if a political group has a majority on the Council, it must have a majority of seats on all committees;
  - (c) that, subject to (a) and (b) above, the number of seats allocated to a political group across all the committees must reflect their proportion of the authority's membership; and
  - (d) that, subject to (a) to (c) above, the number of seats allocated to a political group on each committee is as far as possible in proportion to the group's membership of the authority.

- 4.2 Once it has determined the allocation of seats to different political groups, section 16 of the 1989 Act places a duty on the Council to allocate those seats in accordance with the wishes of the political groups.
- 4.3 Section 17 of the 1989 Act empowers the Council to make arrangements different from those prescribed provided that no member of the Council votes against those different arrangements. Regulations made under the 1989 Act<sup>4</sup>, make provision, amongst other matters, for securing the political balance on committees and the procedure for alternative arrangements not in accordance with the political balance rules.
- 4.4 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.
- 4.5 In relation to the current vacancy in the Send ward caused by the recent death of Councillor Patrick Sheard, as stated in paragraph 3.9 above, it will not be possible to hold a by-election to fill the vacancy until 6 May 2021<sup>5</sup>. However, the provisions in the regulations may be reviewed and the May 2021 date could be brought forward if medical and scientific advice leads to the relaxation of social distancing rules.

## **5. Financial Implications**

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

## **6. Human resource Implications**

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

## **7. Equality and Diversity Implications**

- 7.1 There are no equality and diversity implications arising from the recommendations in this report.

## **8. Climate Change/Sustainability Implications**

- 8.1 There are no climate change/sustainability implications arising from the recommendations in this report.

## **9. Background Papers**

None

## **10. Appendices**

Appendix 1: Current numerical allocation of seats on committees to political groups for 2020-21 as agreed by Council on 19 May 2020

Appendix 2: Notional Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2020-21

Appendix 3: Draft Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2020-21

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<sup>4</sup> The Local Government (Committees and Political Groups) Regulations 1990 (as amended),

<sup>5</sup> By virtue of *The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020* (Regulation 5)

