

Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

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Review of Numerical Allocation of Seats on Committees to Political Groups: 2021-22

Executive Summary

At its Selection Meeting on 19 May 2021, the Council agreed a numerical allocation of seats on committees to the political groups on the Council for the 2021-22 municipal year (see **Appendix 1**).

On 3 November 2021, the proper officer (Democratic Services and Elections Manager) received notice in writing from Councillor Jan Harwood and the Leader of the Conservative group on the Council that, with immediate effect, Councillor Harwood wished to be treated as a member of the Conservative group.

Therefore, the political balance on the Council is now:

Guildford Liberal Democrats: 16
Residents for Guildford and Villages: 16
Conservatives: 10
Guildford Greenbelt Group: 4
Labour: 2

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.

Prior to 3 November, Councillor Harwood occupied seats allocated to the Liberal Democrat Group on the following Committees:

- (a) the Guildford Joint Committee (of which he was elected chairman by the Council on 19 May),
- (b) the Employment Committee (of which he was elected vice-chairman by the Council on 19 May), and
- (c) the Joint Appointments Committee.

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 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. To that end, **Appendix 3** sets out a proposed calculation of numerical allocation of seats on committees to political groups, for approval by the Council. Following approval, the relevant political groups will be invited to

appoint councillors to any vacant seats, or make any other adjustments, as appropriate.

The report also sets out the Constitutional position regarding Councillor Harwood's election as chairman and vice-chairman of the Guildford Joint Committee and Employment Committee respectively.

Recommendation to Council:

The Council is invited to approve a revised calculation of the numerical allocation of seats on committees to each political group on the Council, for the remainder of the 2021-22 Municipal Year.

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 receipt of written notice from Councillor Jan Harwood and the Leader of the Conservative group that, with immediate effect, Councillor Harwood wished to be treated as a member of 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 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

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) 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.

- 3.2 The Local Government (Committees and Political Groups) Regulations 1990 (as amended) make provision for securing the political balance on councils and their committees and for determining the voting rights of members of certain committees.
- 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 19 May 2021, are shown in **Appendix 1** to this report.
- 3.4 In light of Councillor Harwood's resignation from the Liberal Democrat group and his wish to be regarded as a member of the Conservative group, the political complexion of the Council is now as follows:

Guildford Liberal Democrats:	16
Residents for Guildford and Villages:	16
Conservatives:	10
Guildford Greenbelt Group:	4
Labour:	2

- 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 would be entitled when applying the normal rounding up/down rules. This notional calculation is set out in **Appendix 2**. The notional calculation now includes the Joint Appointments Committee (JAC), which was established by Guildford and Waverley Borough Councils in the summer. Since Councillor Harwood became a member of the Conservative group, the Conservative group has indicated that it now wishes to resume its allocated seat on the JAC, and that Councillor Harwood will be the Conservative member on it.
- 3.6 The **notional calculation** shows that the following adjustments are necessary:

- To increase the allocation of seats on the Corporate Governance and Standards Committee by one
- To increase the allocation of seats on the Guildford Joint Committee by one
- To increase the allocation of seats to the Conservative group by two as that group is now entitled to nineteen seats overall
- To increase the allocation of seats to the Guildford Liberal Democrat group by one as that group is entitled to thirty seats overall
- To increase the allocation of seats to the Residents for Guildford and Villages group by one as that group is also entitled to thirty seats overall
- To reduce the allocation of seats to the Labour group by one as that group is only entitled to four seats overall

Councillors will note, however, that applying the notional calculations and the above adjustments would mean that there is an excess of notional entitlement to actual total number of seats on all the committees:

Total number of seats on all committees: 89

Notional entitlement to seats on committees to the political groups:

Guildford Liberal Democrats:	30
Residents for Guildford and Villages:	30
Conservatives:	19
Guildford Greenbelt Group:	7
Labour:	4
Total:	90

3.7 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 meets, as far as reasonably practicable, the requirements for political balance for the remainder of the 2021-22 municipal year. Options for addressing the adjustments referred to in paragraph 3.6 above are set out in the table below:

	Adjustment to notional allocation	Options
1	To increase the allocation of seats on the Corporate Governance and Standards Committee by one.	To allocate the 7 th seat on the Committee to the Labour group. This would reflect the current allocation on this Committee.
2	To increase the allocation of seats on the Guildford Joint Committee by one.	As no group has a strict entitlement to an additional seat, the allocation of the 10 th seat on the Guildford Joint Committee will need to be agreed amongst the affected groups (but see 4 below).
3	To increase the allocation of seats to the Conservative group by two as that group is now entitled to nineteen seats overall (NB. Under the notional calculation, the Conservative group is entitled to a total of 18.54 seats)	To allocate an additional seat to the Conservative group on the Licensing Committee and reduce the Liberal Democrat allocation on that committee by one. This would leave the total number of seats allocated to the Conservative group at 18.
4	To increase the allocation of seats to the Guildford Liberal Democrat group by one as that group is entitled to thirty seats overall (NB. Under the notional calculation, the Liberal Democrat group is entitled to a total of 29.66 seats)	If the 10 th seat on the Guildford Joint Committee were allocated to the Liberal Democrat group, their total allocation would be brought up to 30. This would reflect the current allocation on this Committee.
5	To increase the allocation of seats to the Residents for Guildford and Villages group by one as that group is also entitled to thirty seats overall (NB. Under the notional calculation, the Residents for Guildford and Villages group is entitled to a total of 29.66 seats)	To allocate an additional seat on the Service Delivery EAB to the Residents for Guildford and Villages group, bringing their total allocation up to 30. This would reflect the current allocation on this EAB.
6	To reduce the allocation of seats to the Labour group by one as that group is only entitled to four seats overall	To allocate one seat to the Labour group on each of the following committees: <ul style="list-style-type: none"> • Corporate Governance & Standards • Strategy & Resources EAB • Overview & Scrutiny • Planning <p>This would reflect their current allocation.</p>

Following consultation with political group leaders, a proposal for consideration that addresses, as far as practicable, the required adjustments referred to above, is set out in

Appendix 3. Councillors will note that this proposal makes no changes to the current allocation of seats to the Residents for Guildford and Villages group, the Guildford Greenbelt Group, and the Labour group.

Guildford Joint Committee Chairman

3.8 Standing Order 2.3 of the Guildford Joint Committee provides that:

“The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Guildford Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same council shall be appointed through the relevant authority’s usual procedures for the remainder of that term”.

3.9 As the Conservative group has indicated that it will allocate one of its seats on the Guildford Joint Committee to Councillor Harwood, who would therefore remain as a member of the Joint Committee, he will also remain as the chairman of the Joint Committee for the remainder of the 2021-22 municipal year.

Employment Committee Vice-Chairman

3.10 Council Procedure Rule 29 (b) provides that:

“If, during the course of a municipal year, a councillor

- (i) resigns from the office of chairman or vice-chairman of a committee or sub-committee, or*
- (ii) is no longer appointed as a member of the committee or sub-committee to which he or she was elected chairman or vice-chairman, or*
- (iii) resigns as a councillor, or*
- (iv) becomes disqualified,*

the election of his or her successor for the remainder of that municipal year shall be conducted by the Committee at its next meeting”.

3.11 As the Conservative group has indicated that it will not be allocating its seat on the Employment Committee to Councillor Harwood, he ceases to be vice-chairman of that Committee. Therefore, the Committee, at its next meeting, will elect another vice-chairman for the remainder of the 2021-22 municipal year.

3.12 At the Council meeting, the Leader of the Council will propose a motion setting out for debate a draft calculation of the numerical allocation of seats on committees for the remainder of the 2021-22 Municipal Year. This will be set out on the Order Paper and it will, of course, be open to councillors to propose amendments to that motion.

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, and to give effect, *as far as reasonably practicable*, to the four principles referred to in paragraph 3.1 above.

4.2 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.

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 to political groups for 2021-22 as agreed by Council on 19 May 2021

Appendix 2: Notional Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2021-22

Appendix 3: Draft Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2021-22