

## **Local Government and Housing Act 1989 Committees – Voting Rights and Political Balance**

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

### **Recommended:**

**That for the purposes of Part 1 of the Local Government and Housing Act, 1989 the allocation of seats on the Standing Committees of the Council be as follows:**

<u>COMMITTEE</u>	<u>Andover Independents Group</u>
<b>General Purposes</b>	<b>1</b>
<b>Licensing</b>	<b>1</b>
<b>Overview and Scrutiny Committee</b>	<b>1</b>
<b>Northern Area Planning Committee</b>	<b>2</b>
<b>Southern Area Planning Committee</b>	<b>0</b>

#### **SUMMARY:**

- The purpose of the report is to allocate seats to a political group that wishes to be treated as a political group for the purposes of the Local Government and Housing Act 1989.

### **1 Introduction**

- 1.1 The Local Government and Housing Act 1989 (“the Act”) introduced the requirement that where members of an authority are formally divided into political groups, appointments to bodies to which the Act applies i.e. Committees and Sub-Committees, must be made on the basis of political proportionality.
- 1.2 The Council is treated as being divided into political groups when one group notifies its intention to be a political group.

## **2 Political Balance on Committees**

- 2.1 Where the membership of a district council is divided into formal political groups there is a duty on the Council to review the representation of the different political groups on committees. Committees in turn have a similar duty in respect of sub-committees appointed by them. The Council, or committee, has to determine the allocation of seats to the different political groups. That decision has to be made in accordance with the following principles.
- (a) Not all seats on a committee are to be allocated to the same political group.
  - (b) That the majority of seats on a committee are allocated to the majority political group.
  - (c) That subject to (a) and (b) above, the number of seats on the ordinary committees of the Council allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the Authority.
  - (d) That, subject to (a) – (c) above, the number of seats on the Committee allocated to each political group bears the same proportion to the number of all seats on that Committee as is borne by the number of members of that group to the membership of the Authority.

In other words, the intention is that as far as is practicable committees and sub-committees share the same political balance as the Council but within the foregoing rules.

- 2.2 Political groups need not necessarily be groups of members of the same political persuasion. They can be groupings on any basis and are to be defined further by the Regulations. In essence, political groups will be constituted by two or more members signing and delivering to the Proper Officer a request in writing to be treated as a political group. The request will state the description by which the group is to be known and must name one member as its leader.
- 2.3 Political groups within the definition will be entitled, within the rules, to allocate the seats available to their group to nominated group members of their choice.
- 2.4 The Council may decide unanimously (i.e. with no member voting against) that they wish to adopt some arrangement other than that which would be required by the Act. Such arrangements can take any form that is otherwise lawful. Formal notice of such proposals would need to accompany the summons for the relevant meeting of the Council Committee. Accordingly, the Planning Area Committees may retain their existing composition provided no member votes against the arrangement. If they do the proportionality rules must be applied.
- 2.5 It is also open for any of the political groups on a local authority to agree amongst themselves to arrangements that are different from those that the statutory provisions otherwise require.

- 2.6 Where more than one group reach agreement to use their nomination rights to give effect to the arrangements which they have reached, as regard their share of the seats, then those arrangements would apply, leaving the other groups on the Council to their statutory rights as to allocation of seats.

### **3 Review of Allocation of Seats**

- 3.1 Notice must be given in a particular form, to the Proper Officer of any changes to political groups. If this is received more than one month after the last review, the Council and Committees must as soon as reasonably practicable review proportionality on committees and sub-committees respectively.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Corporate)			
Officer:	Karen Dunn	Ext:	8401
Report to:	Annual Council	Date:	19 May 2021