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| <b>Report of:</b> | Monitoring Officer – Charlotte Benjamin, Director of Legal and Governance Services |
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| <b>Submitted to:</b> | Constitution and Members’ Development Committee – 10 December 2021 |
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| <b>Subject:</b> | Political Balance Procedure Rules |
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**Summary**

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| <b>Proposed decision(s)</b>  |
| That Constitution and Members’ Development Committee consider and endorse the proposed Political Balance Procedure Rules, for submission to and approval by Full Council, for inclusion within the Council’s Constitution. |

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|--------------------|----------------------|----------------------|------------------------------|
| <b>Report for:</b> | <b>Key decision:</b> | <b>Confidential:</b> | <b>Is the report urgent?</b> |
| Decision           | No                   | No                   | No                           |

|   |              |   |
|---|--------------|---|
| <b>Contribution to delivery of the 2021 - 2024 Strategic Plan</b> |              |   |
| <b>People</b>   | <b>Place</b> | <b>Business</b>   |
|   |              | Applying political balance ensures effective decision making and ensures cross party and community representation in Council decisions. |

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| <b>Ward(s) affected</b> |
| N/A                     |

**What is the purpose of this report?**

1. This report proposes the inclusion of the Political Balance Procedure Rules within Part 6 – Rules and Procedures, of the Council’s Constitution.

## **Why does this report require a Member decision?**

2. The Constitution - Article 4.2 – Functions of the Council specifies that in respect of adopting, amending and changing the Constitution, only Council will exercise this function.

## **Report Background**

3. A report was submitted to Constitution and Members' Development Committee on 4 February 2020 following a request to provide members with the legal framework on the allocation of seats to political groups.

## **Legal Position**

4. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is also required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.
5. Where there are non-aligned councillors regulation 16 of the Local Government (Committees and Political Groups) regulations 1990 modifies the above and requires proportional allocation of seats to those members and introduces the requirement to have regard to the wishes of political groups in the allocation of members to their allocated seats.
6. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations.
7. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.
8. In the main the annual meeting [after each ordinary election of councillors], is when the council:
  - a) resolves what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall consist;
  - (b) resolve that non-voting members, shall also be appointed to any such committee;
  - (c) resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any functions which they may discharge.

## **Part 3 – Rules of Procedure**

9. The Constitution contains the following Rules of Procedure under Part 3:

Council Procedure Rules  
 Access to Information Procedure Rules  
 Budget and Policy Framework Procedure Rules  
 Executive Procedure Rules  
 Overview and Scrutiny Procedure Rules  
 Officer Employment Procedure Rules

10. It is proposed that the Political Balance Procedure Rules be included within the Council's Constitution, at Part 3 – Rules of Procedure.

**What decision(s) are being asked for?**

11. That Constitution and Members' Development Committee consider and endorse the proposed Political Balance Procedure Rules, for submission to and approval by Full Council, for inclusion within the Council's Constitution.

**Impact(s) of recommended decision(s)**

***Policy Framework***

12. The Constitution - Article 4.2 – Functions of the Council specifies that in respect of adopting, amending and changing the Constitution, only Council will exercise this function.

***Equality and Diversity***

13. This proposal does not raise any impacts for those individuals or groups with protected characteristics.

***Risk***

14. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

**Actions to be taken to implement the decision(s)**

15. Submit to Full Council, for approval for inclusion within the Council's Constitution.

**Appendices**

N/A

**Background papers**

| Body | Report title                                   | Date |
|------|--|------|
|      | The Local Government and Housing Act (15 & 16) | 1989 |
|      | Local Government                               |      |

|  |   |      |
|--|---|------|
|  | (Committees and Political Groups) regulations (13 - 16) | 1990 |
|--|---|------|

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