

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 7 th December 2021
Report Subject	Review of Political Balance
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council is required under the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended to review the Council's political balance calculations following the by election in Penyffordd on 7th October 2021.

The new Councillor in that ward, alongside Cllr Hinds as the other ward Member, is in the Labour Group, whereas the previous incumbent was a member of the New Independent Group. The calculated entitlement to seats indicates that the Labour Group will gain 2 places and the New Independent Group will lose 2 places. It is possible to accommodate those changes without impacting other groups.

The Council's political groups and the number of Members on each is as follows:

Labour 35
Independent Alliance 16
Conservative 6
Liberal Democrats 6
New Independents 3
Independents 3
Non-aligned member 1

RECOMMENDATIONS

1	That seats on Committees be allocated in accordance with political balance as shown in appendix A.
2	That any changes to nominees be notified to the Democratic Services Manager as soon as possible.

REPORT DETAILS

1.00	CALCULATION OF POLITICAL BALANCE
1.01	<p>The Council is required, as soon as practicable, after a change in the composition of political groups to recalculate political balance in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. Following the by election on the 7th October 2021, I received a request from the Leader of the Labour Group (and Leader of the Council) to recalculate political balance and the allocation of seats.</p>
1.02	<p>The basis of the statutory requirement is that Committee seats should be allocated to political groups (so far as is practicable) in the same proportion as those groups have to the total membership of the County Council.</p> <p>The allocation of seats on Committees to the political groups must recognise that:-</p> <ul style="list-style-type: none">(i) There must be no Committees whereby only one group has all the seats;(ii) Where there is a majority group it is entitled to a majority upon every Committee. (This does not apply where the largest group does not have an overall majority);(iii) The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups' strengths upon the full Council;(iv) Each Committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council. <p>Thus if a group holds 25% of the total number of Councillors it should have:</p> <ul style="list-style-type: none">1) 25% of the overall number of seats on the Council; and2) (if possible) 25% seats on each Committee. <p>These rules are applied in hierarchical order so it is more important to allocate the correct number of seats overall than it is to allocate the correct number of seats on a particular Committee.</p> <p>NB Under the legislation these rules do not apply to either the Cabinet or the Standards Committee.</p>
1.03	<p>The political balance calculation is attached as Appendix A. This is one possible lawful allocation seats and other possible allocations may exist.</p>
1.04	<p>During the review of the Committee structure in 2019 Group Leaders, on behalf of their members, agreed that it is preferable and beneficial to try and allocate seats in line with Councillors' areas of interest if possible. Where it is possible within the rules the allocation of seats is therefore influenced by known areas of interest/preference.</p>

1.05	The Labour Group's entitlement to an additional seat on the Constitution and Democratic Services Committee is clear from the calculations. This fits with all the rules outlined above.
1.06	The issue arises with the second seat. On this occasion, the apparent entitlement to seats would suggest that the New Independent Group should lose a seat on the Governance and Audit Committee to the Labour Group. However, that seat is occupied by a Councillor with long experience and a keen interest in the work of that Committee. In order to fulfil the aspiration to allocate seats based on interest, it is suggested that the Labour Group should instead be allocated an extra seat on the Education, Culture and Youth Overview and Scrutiny Committee. This will result in that group being slightly "over represented" on that Committee but it is a possible lawful allocation of seats. The allocation would comply with rule iii in paragraph 1.02 above which, in accordance with the hierarchy, is more important than compliance with rule iv.
1.07	As there is a possible allocation that would comply with both rules iii and iv the legislation requires that the recommended allocation can only be approved if no councillor votes against it. It is rare (if not unique) that legislation should confer "a power of veto" in this way.

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Group Leaders consulted on the political balance calculation.

4.00	RISK MANAGEMENT
4.01	None as a result of this report.

5.00	APPENDICES
5.01	Appendix A – Political Balance table 7 th December 2021.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.

