

## **Appendix B - Guidance on proportionality to establish political balance**

### **Committees to whom these Proportionality Rules apply**

1. The Committees to political balance requirements apply are:

- Planning
- Community Scrutiny
- Corporate Scrutiny
- Audit and Governance
- Licensing (Regulatory)
- Appointments Committee
- Employee Joint Consultative Committee
- Investigatory Committee
- Electoral Review Working Party
- Local Plan Committee

2. Bodies to whom the political balance requirements do not apply are:

- Cabinet
- Licensing Act Sub-committees
- Working Groups/Task and Finish Groups - although political balance is not a requirement the aim, where appropriate, will be to ensure these groups are broadly balanced as defined in the Terms of Reference.

### **Legislative Requirements**

3. The allocation of seats shall conform to the principles of proportionality contained in sections 15 and 16 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the order shown:
  - (a) that not all the seats are allocated to the same political group;
  - (b) that the majority of seats are allocated to the political group that has the majority of the Council's membership;
  - (c) subject to (a) and (b) above, that the total number of all seats of the ordinary committees allocated to each particular political group reflects the group's proportion of the membership of the Council; and
  - (d) subject to (a) – (c) above, that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the Council.

### **Councillors not in a Political Group**

4. For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

5. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion.

### **Method to Calculate Places**

6. This is the process which is followed to calculate the representation of members on committees:
  - I. Calculate the total number of seats with votes on **all** the committees subject to Political Balance.
  - II. Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members. This should be done by grouping together ungrouped members.
  - III. Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
  - IV. Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
  - V. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) above).
  - VI. Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council.
  - VII. Proportionality does not always give a perfect calculation but the Council will work to achieve overall balance in so far as practicable whilst engaging with members in this process.

### **Review of allocation of seats to political groups**

7. Subject to, and in accordance with, regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990 the representation of different political groups shall be reviewed at the following times:
  - (a) at the annual general meeting or as soon as practicable.
  - (b) as soon as practicable after a political group is constituted or ceases to be constituted.
  - (c) as soon as practicable the membership of a political group is changed.
  - (d) as soon as practicable after a new member is elected and identified that they wish to become a member of a particular group
8. As per the Local Government (Committees and Political Groups) regulations 1990 appointments are made in accordance with the wishes of a political group, then, so long as that person’s seat continues to be allocated to that group, the authority or

committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment.

9. If a group fails to express its wishes within a period of three weeks of being notified of the allocation or vacancy, the Council or Committee may make such appointment as it thinks fit.