

Bath & North East Somerset Council

MEETING:	Council	
MEETING DATE:	18th November 2021	
TITLE:	Amendments to the Constitution – Proportionality	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – current political proportionality table, with tracked changes showing amended numbers		

1 THE ISSUE

- 1.1 The Constitution is a single point of reference which contains the principal governance structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 The proportionality table currently sits within part 5 of the Constitution and, following a change in political group membership, needs amendment by Council.
- 1.3 The appended table is the current one, with tracked changes to show the revised TOTALS figure on the first page.
- 1.4 It is the role of the Council AGM to make any substantial changes to committees, panels, bodies etc (Constitution Part 4A, rule 7), but this is brought to this Council as to delay would risk disenfranchising the two councillors concerned.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Agree a revised political proportionality table, offering one place from the bodies in the top table to each of the non-aligned Councillors.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no financial, property or people implications directly arising from this report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

5 THE REPORT

5.1 There have been two recent changes to political group membership;

- Cllr Paul Myers resigned from the Conservative group on 11th May 2021
- Cllr Joanna Wright resigned from the Liberal Democrat group on 23rd June 2021.

5.2 Councillor Myers is now an independent councillor (but not part of the Independent group), and Councillor Wright is now a Green councillor.

5.3 As a result of this, an adjustment to committee memberships is needed so that a place is offered to each of these Councillors;

- The Liberal Democrat group need to lose one place from any of the bodies in the top table (of the attachment) to be offered to Councillor Wright or Myers so that their total number of committee places in the top table reduces from 35 to 34.
- The Conservative Group need to lose one place from any of the bodies in the top table (of the attachment) to be offered to Councillor Wright or Myers so that their total number of committee places in the top table reduces from 10 to 9.

5.4 The allocation of seats between the bodies listed in the top table (Compulsory cumulative proportionality) is traditionally managed through discussion between Group Leaders. As long as the Total numbers in the bottom column of the top table are correct, there is discretion as to how these are allocated within these bodies.

Proportionality rules

5.5 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub Committees but the basic principles are:-

- a) not all the seats on the body shall be allocated to one particular party;
- b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
- c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear 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 that Authority;

- d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.
- e) Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub Committees, and to make the actual appointments. A Committee or Sub Committee must, however comprise at least two voting members.
- f) The law also deals with the allocation of committee places to members who do not belong to any political group. It indicates that, where there are members of the Council who do not belong to a political group, a proportion of seats on each body to which appointments are made, equal to the proportion of authority members who do not belong to a political group, will be allocated to the Member(s) concerned. Thus, as there are fifty nine seats on Committee/Panels and two independent members, two seats would be available to them. Council will decide which of the available seats will be so allocated and to whom.

5.6 It remains the position that, if a seat is allocated to a member/group, it is within their gift to offer their place to another group (or non-aligned member), and withdraw that offer at any point. This is an informal arrangement and does not affect the formal proportionality numbers.

6 RATIONALE

6.1 To ensure fair representation.

7 OTHER OPTIONS CONSIDERED

7.1 Not applicable.

8 CONSULTATION

8.1 The Chief Executive, Monitoring Officer and Group Leaders were consulted in preparing this report.

9 RISK MANAGEMENT

9.1 Not applicable.

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Background papers	<i>The Constitution</i>
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