

Bath & North East Somerset Council

MEETING:	Council	
MEETING DATE:	20th July 2023	
TITLE:	ANNUAL BUSINESS ITEMS DEFERRED FROM AGM	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Updated political proportionality and committee chairing arrangements structure Appendix 2 – Group Assistant proposals		

1 THE ISSUE

- 1.1 This report invites the Council to consider the annual business items that were deferred from the 25th May 2023 Council.
- 1.2 The delayed Paulton election meant that the full political make-up of the Council of 59 Councillors was not available at the Council AGM. The election for that ward took place on 22nd June and so a revised proportionality table is now brought to Council. All the resolutions of the Council AGM relating to annual business, unless addressed here, still stand.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Approve the revised political proportionality table for the composition of committees and panels and the appointment of Members to those bodies in accordance with the requirements of political proportionality;
- 2.2 Expressly disapply the proportionality rule to the Restructuring Implementation Committee (with no Councillor voting against), as set out in section 3.9;
- 2.3 Agree the allocation of Political Assistants and Group Support Officers as set out in Appendix 2;

2.4 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 THE REPORT

3.1 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.

3.2 As it is only the Council that can make appointments to its committees (and only the Council has the power to remove) the Council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness, and, as the Council has agreed that it is highly desirable (and in the case of the Planning Committee mandatory) that political groups should only nominate members as substitutes if they have had relevant training in the work of the committee, this approach enables training and resources to be better focussed and better discharges its fiduciary duty to ratepayers.

3.3 Under regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 as amended, the appointed proper officer (the Monitoring Officer) has the duty to notify the relevant leaders of the political groups 'as soon as practicable' after the agreed allocation of seats (or after any vacancies subsequently arising) so that such political groups may nominate members from their groups for appointment by the Council to the seats allocated on its committees to their groups.

- 3.4 Should a political group fail to express its wishes in relation to such appointment within three weeks beginning with the date on which the proper officer gave due written notice, the Council has discretion to make such appointment to that seat as they think fit in accordance with regulation 15 of the same regulations. The seats could be left vacant for a period of time.
- 3.5 Section 15 of the Local Government and Housing Act 1989 (the 1989 Act) details how and when appointments to ordinary committees must be allocated, as applying only to those members who are part of a political group. [The Local Government (Committees and Political Groups) Regulations 1990 Regulation 8 defines political groups as two or more members of the authority who wish to be treated as a political group by giving notice to the Proper Officer].
- 3.6 There are currently no 'unaligned' councillors, as all councillors are part of a political group.

Proportionality - Alternative arrangements

- 3.7 Should the Council wish to make alternative arrangements, the Council may disapply the political balance requirements in whole or in part **provided no Councillor votes against those alternative arrangements** (section 17(1) of the Local Government and Housing Act 1989 and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990).
- 3.8 These alternative arrangements cease to have effect each time a review is triggered in accordance with section 15 of the Act.
- 3.9 This is specifically requested with regard to the Restructuring Implementation Committee (constituted of the Group Leaders).

4 POLITICAL ASSISTANTS

- 4.1 Since its inception, this Council has offered to each of the qualifying Political Groups, the support of a Political Assistant. These are officers who are specifically recruited to give political support and advice directly to members of the group. They hold fixed term contracts and their terms of office expire on the day of the Annual General Meeting of the Council in a year of ordinary election (ie the date of this meeting). [Due to the delayed Paulton election, contracts were extended until the end of July to allow this item to be brought back.]
- 4.2 The Local Government and Housing Act, 1989 is the legislation governing such appointments. That legislation sets down eligibility criteria for a Political Assistant, on the basis that the Council first agrees to allocate such posts to all eligible political groups. The criteria are:
- a) the political group must have at least 10% of the total Council membership;
 - b) no more than 3 x Political Groups with 10% or more seats to qualify;
 - c) where there is only one Political Group with 10% or more seats, then that group and one other only shall qualify.
 - d) The Council will need to determine therefore (a) whether it wishes to make an allocation of Political Assistants to eligible groups; (b) if it does, then to which

groups will such an allocation be made; and c) indicate what arrangements it intends to make to support the remaining groups.

5 STATUTORY CONSIDERATIONS

5.1 Relevant statutory considerations are addressed in parts 3 and 4 above in relation to the specific recommendations required to be determined in part 2.

5.2 The Council Constitution at paragraph 3.6.7 specifically provides for officer support to groups that do not qualify for a Political Assistant provided that Council decides to do so.

6 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

6.1 There are no additional costs associated with the proposals contained in this report.

7 RISK MANAGEMENT

7.1 The recommendations are to ensure that the Council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

8 EQUALITIES

8.1 This report deals with the Councils practical arrangements for conducting Council business during the Municipal Year and applies legislation and regulations which are themselves subject to equality Impact assessments.

9 CLIMATE CHANGE

9.1 There are no climate implications arising directly from this report.

10 OTHER OPTIONS CONSIDERED

10.1 None.

11 CONSULTATION

11.1 This report has been cleared by the Chief Executive, S151 Officer, Monitoring Officer and Group Leaders.

Contact person	Jo Morrison, Democratic Services Manager
Background papers	The Constitution
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