

ALLOCATION OF SEATS AND SUBSTITUTES TO POLITICAL GROUPS

To: **Constitution and Ethics Committee**

Date: **15th September 2015**

From: **LGSS Director Law, Property and Governance**

Electoral division(s): **All**

Purpose: **To consider arrangements for allocating seats and substitutes to political groups in accordance with political balance rules.**

Recommendation: **The Committee is asked to note the report.**

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1. BACKGROUND

- 1.1 The Council Procedure Rules state that at the annual meeting, the Council will decide the allocation of seats and substitutes to political groups in accordance with political balance rules. Full Council is required to keep the allocation of seats to groups under review. Wherever allocation of seats is considered by the full Council the Monitoring Officer shall submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.
- 1.2. Where the Council is aware that a by-election is scheduled to take place, it has in the past agreed a delegation to the Monitoring Officer and Chief Executive in consultation with Group Leaders to make any minor adjustments necessary resulting from the aforesaid by-election. However, there is no provision to make any adjustments associated with unexpected changes to Groups e.g. if a member leaves and joins another group just after a full Council meeting.

2. STATUTORY POSITION

- 2.1 The Local Government and Housing Act 1989 sets out the requirements in relation to the appointment of committees and sub committees. It states that whenever the Council is required to review the allocation of seats on committees between political groups, the proper officer shall submit a report to the Council showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act. In the light of such a report, the Council shall determine the allocation of seats to political groups.

3. CONCLUSION

- 3.1 A local authority may only delegate decision making powers to a committee, sub-committee or an officer. Whilst the legislation does not appear to prevent the Council delegating such as decision to an officer, it is also very clear that the Council should determine the allocation of seats to political groups. It is therefore proposed that where the Council is aware that a by-election is scheduled to take place, it should continue to delegate to the Monitoring Officer and Chief Executive, in consultation with Group Leaders, the provision to make any minor adjustments necessary resulting from the aforesaid by-election. However, any other changes will only be able to come into effect following a meeting of full Council.

Source Documents	Location
Constitution	http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution