

**REVIEW OF POLITICAL PROPORTIONALITY**

*Report of the Chief Legal Officer*

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

**1. Purpose of report**

1.1 To advise Members of the rules relating to political proportionality and the implication of those rules for the allocation of places on Committees following the Chief Legal Officer's review of political proportionality on Committees as a result of the County Council by election in relation to the Three Rivers Rural Division on 25 October 2018.

**2. Summary and Background**

2.1 The distribution of seats on committees is allocated in accordance with the proportionality principles set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. Only with no Member voting against can an authority decide that it wishes to adopt an arrangement other than one in accordance with this legislation.

2.2 Prior to the by election in the Three Rivers Rural Division on 25 October 2018 the number of seats of each group on the Council and the resulting percentages for political proportionality were:

Conservative	Liberal Democrat	Labour
51	17	10
65.38%	21.8%	12.82%

2.3 Following the by election for the Three Rivers Rural County Council Division on 25 October 2018 the number of seats of each Group on the Council and the resulting percentages for political proportionality are:

Conservative	Liberal Democrat	Labour
50	18	10
64.1%	23.08%	12.82%

2.4 The proportionality principles are:

- (a) All the seats are not allocated to the same political group (Principle 1);

- (b) The majority of the seats go to the political group with majority on the full Council (Principle 2);
  - (c) Subject to the above two principles, that the total number of seats on all of the ordinary committees of the Authority allocated to each political group must be in the same proportion as the proportion of that group's seats on the full Council (Principle 3);
  - (d) Subject to the above three Principles, that the number of seats on each ordinary committee of the Authority allocated to each political group must be in the same proportion as the proportion of that group's seats on the full Council (Principle 4).
- 2.5 At its meetings on 23 May 2017 and 22 May 2018 County Council agreed to waive political proportionality in respect of Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of Overview & Scrutiny Committee or Health Scrutiny Committee. The reason for this was because of voting non county councillor members on these committees, compliance with Principle 2 would lead to the Conservative Group having a disproportionately large number of seats compared to the other two Groups and to the Health Scrutiny Committee having to be increased in size (or the number of voting non county councillor members reduced).
- 2.6 Following the review of proportionality as set out in this Report if the County Council wishes to waive the political proportionality rules in relation to Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of those committees, as it has done previously, it will need to do so again at this meeting with no member voting against.
- 2.7 The allocation of seats to Overview and Scrutiny Committee and Health Scrutiny Committee which was adopted by Council on 22 May 2018 following waiver of the requirements for proportionality is set out in Part B of the Appendix to this Report.
- 2.8 There is another Report on this Agenda proposing that an Advisory Committee be established whose function will be to review and sign off recommendations relating to the actions of scrutiny committees and topic groups (to be called the Implementation of Scrutiny Advisory Committee 'ISAC')). Overview & Scrutiny Committee and Health Scrutiny Committee have recommended to Council that members be appointed to ISAC on the basis of political proportionality.
- 2.9 Following the Three Rivers Rural by-election a review of political proportionality on committees has been requested. Taking the change following the by election in the number of members in the three political groups on the Council into account the Chief Legal Officer has reviewed the allocation of places to these Groups to the Committees to which political proportionality will apply. The Chief Legal Officer confirms that the allocation of places as set out in Part A of the Appendix to this Report (which incorporates the scheme of proportionality agreed in May 2018) is in accordance with the rules of political proportionality.

- 2.10 The rules of political proportionality referred to above do not apply to Cabinet Panels which are advisory bodies established by the Executive. The Constitution does provide, however, that when appointing Members to Cabinet Panels proportionality rules will be applied to each Cabinet Panel but not across all Panels.

### **3. Recommendation**

- 3.1 That Council confirms the scheme of proportionality as set out in the Appendix to this Report
- 3.2 That in respect of Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of Overview & Scrutiny Committee or Health Scrutiny Committee, the Council waives the requirements for proportionality so as to agree the arrangements set out in Part B of the Appendix to this Report for Overview & Scrutiny Committee and Health Scrutiny Committee provided that the Leader of any of the three largest political groups on the Council can request at any time a review of political proportionality in respect of Overview & Scrutiny Committee and Health Scrutiny Committee.

### **4. Financial Implications**

- 4.1 None specifically arising from this Report.

#### **Background Information**

Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990

<http://www.legislation.gov.uk/uksi/1990/1553/part/II/made>



## Scheme of Proportionality

## Part A

Committee	Total Size	Conservative	Liberal Democrat	Labour
Development Control	10	7	2	1
Employment	5	3	1	1
Pensions	10	7	2	1
Audit	10	6	3	1
Standards	5	3	1	1
Implementation of Scrutiny Advisory Committee	5	3	1	1
<b>TOTAL</b>	45	29	10	6

## Part B

Committee	Total Size	Conservative	Liberal Democrat	Labour
Overview & Scrutiny (1)	10	7	2	1
Health Scrutiny (2)	10	7	2	1

## Note

- (1) In addition the Overview and Scrutiny Committee comprises 4 Parent Governor and 2 Church Representatives (who are only able to vote on any question which relates to any education functions which are the responsibility of the Executive)
- (2) In addition the Health Scrutiny Committee comprises 10 District Councillors (voting) nominated by the Hertfordshire Leaders Group

The composition of the committees set out in the table in Part B above would require the County Council to agree to waive the rules of political proportionality with no member voting against.