

# TONBRIDGE & MALLING BOROUGH COUNCIL

## COUNCIL

17 May 2023

### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Matters For Decision

#### 1 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

**This report asks Members to determine the political balance arrangements for the Borough Council's committees, sub-committees, boards and panels**

1.1.1 Under section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990, the Council is required to review the composition of any of its committees and sub-committees to which those provisions apply at the annual meeting of the Council and after any election.

1.1.2 The number of seats held by each of the political parties is as follows:

<b>Group</b>	<b>Total</b>	<b>%</b>
Conservative	20	45.45
Green	8	18.18
Independent Alliance (Kent)	2	4.55
Labour	3	6.82
Liberal Democratic	11	25
<b>Total</b>	<b>44</b>	<b>100</b>

1.1.3 The Council is required to determine the composition of its committees to reflect this political balance and to ensure that:

- (a) not all the seats on the committee to which appointments are made are allocated to the same political group;
- (b) the majority of seats on the committee is 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 (a) and (b), the total number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority;

(d) subject to (a) and (c) the number of seats on each committee allocated to a particular group reflects that proportion of the membership of the authority.

1.1.4 The duty on the Council is to give effect to the above principles **so far as reasonably practicable**. This recognises that there cannot be an exact application of the rules.

### **Size of Committees**

1.1.5 The report at agenda item 11 indicates that Members will be invited to consider whether to reduce the size of committees in light of changes introduced by the Tonbridge & Malling (Electoral Changes) Order 2022. The number of committee seats allocated to the political parties will therefore depend upon whether Members are minded to reduce the size of committees or retain the existing sizes.

1.1.6 Overall, the reduction in the number of members from 54 to 44 equates to a 18.5% decrease. Whilst there is no legal obligation to reduce Committee membership, it is nevertheless appropriate at this point in the municipal year to also consider whether the size of Committees should be reviewed in light of the changes introduced by the 2022 Order.

1.1.7 If the size of each Committee were to be reduced in the same ratio i.e. 18.5%, (rounding up or down as appropriate) this would give the following numbers-

<b>Name of Committee</b>	<b>Current number of members</b>	<b>Number of members (with 18.5% reduction)</b>
Audit Committee	9	7
General Purposes Committee	14	11
Housing Association Liaison Panel	5	4
Joint Employee Consultative Committee	9	7
Joint Standards Committee*	13	10
*also contains 6 Parish Council reps		

Licensing & Appeals Committee	15	12
Overview & Scrutiny Committee	18	15
Communities & Environment Scrutiny Select Committee	15	12
Finance, Regeneration & Property Scrutiny Select Committee	15	12
Housing & Planning Scrutiny Select Committee	15	12

- 1.1.8 There are some potential issues in the way a committee is constituted that can hinder the Council's ability to fulfil the requirements of the Local Government and Housing Act 1989.
- 1.1.9 Firstly, certain sizes of committee can create the necessity to make a large number of manual adjustments to the allocations to those committees to achieve overall proportionality. In turn, this can impede the ability to achieve political balance on the individual committee. It is therefore best practice to avoid certain numbers of seats on individual committees, depending on the overall number of seats on the authority and how these are divided between the political groups. One current example for TMBC will be a committee size of 15 – it is not possible to achieve political balance on a committee of this size with the current division of political groups on the Council. A number of the existing Committees are currently comprised of 15 Members.
- 1.1.10 Secondly, it is considered best practice to avoid committees with an even number of seats. Depending on the overall political balance across the authority, an even number of seats on a committee creates the potential for an equality of votes, thus requiring the Chair to use their casting vote (although Rule 8 of the Council and Committee Procedure Rules specifically provides that the Chair may do so). To eliminate this potential, it is preferable to have committees with odd numbers of members.
- 1.1.11 If the Council were to make the 18.5% reduction to committees as set out in the table at 1.1.7 above, this would result in a mix of committees with even/ odd numbers, plus one committee of 15 members. We have therefore undertaken political balance calculations in respect of alternative options.

- 1.1.12 Option A is based upon the existing 128 seats in total; Option B is based upon a reduced number of 110 seats (all committees with odd numbers). A third option of 104 seats (all committees with even sizes) is also presented in the Annex.
- 1.1.13 The tables at **Annex 1** show the number of committees of various sizes which need to be politically balanced and the way in which the total number of available seats might be allocated to reflect the proportions on the Council as a whole.
- 1.1.14 Membership of the Joint Transportation Board is set out in the agreement between Kent County Council and the Borough Council. It shall comprise all KCC local members with an equal number of Borough Council members. The membership of this Board has not therefore been reviewed. Similarly, Tonbridge Community Forum contains all Tonbridge Members, so this has not been reviewed either.
- 1.1.15 The Parish Partnership Panel currently comprises 13 TMBC Members (all representing parished wards outside of Tonbridge) plus representatives from all parishes and KCC local members. No review has been undertaken of membership for this Panel.
- 1.1.16 The size of Cabinet is entirely within the gift of the Leader, although it may not exceed 10 (including the Leader and Deputy Leader).

## **1.2 Legal Implications**

- 1.2.1 The Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 Not applicable

## **1.4 Risk Assessment**

- 1.4.1 Not applicable

## **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Policy Considerations**

- 1.6.1 Not applicable

## **1.7 Recommendations**

1.7.1 **RECOMMENDED** that the composition of all committees, sub-committees and boards be approved in accordance with Members' preferred option at **Annex 1** and the Monitoring Officer be authorised make any consequential amendments to the Council's constitution in respect of political balance.

Background papers:

Nil

contact: Allison Parris  
Principal Democratic Services  
Officer

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive