
**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

REVIEW OF POLITICAL BALANCE

Reason for this Report

1. Following the formation of the Cardiff West Independent group on 23rd October 2019, and the resignation of Councillor Bale as a Councillor in the Llanishen ward on 9th October resulting in a by election on 21st November 2019, a review of the political balance and allocation of seats on Committees has been undertaken in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.
2. Council is requested to approve the outcomes of the political balance review and to agree any changes necessary to re-establish the political balance of the membership of the Council's committees.

Background

3. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the groups on the Council as far as is reasonably practicable.

Issues

4. The formation of the Cardiff Independent group replaced the Plaid Cymru Group and included the addition of Councillor N McEvoy. The composition of the Council is then reflected in **TABLE A** below.

TABLE A - Composition of the Council

Groups and Independents	Number of Councillors	Political Balance
Labour	39	52.0%
Conservative	20	26.67%
Liberal Democrat	11	14.67%
Cardiff West Independent	4	5.33%
Heath & Birchgrove Independent	1	1.33%
Totals	75	100.00%

5. The total number of seats on the Committees, which are subject to the political balance requirements is 144. Based on the composition of the Council shown in Table A above the proportional allocation of seats on those Committees is as set out in Table B:

TABLE B – Allocation of Seats in accordance with Political Balance

Groups and Independents	Number of Committee seats
Labour	76
Conservative	39
Liberal Democrats	21
Cardiff West Independents	8
Independent (Not in a Group)	0
Totals	144

6. The proportional allocation of seats, as set out in Table B above, has been discussed with all Party Group Whips on 18 November 2019. It was agreed that the political balance would reflect the formation of the Cardiff West Independents prior to the outcome of the Llanishen By-Election being known.

Llanishen By-Election

7. Councillor Sian Melbourne (Conservative) was elected at the Llanishen By-Election held on 21 November 2019. The composition of the Council was updated to reflect this change and is shown in Table C.

TABLE C – Revised Composition of the Council

Groups and Independents	Number of Councillors	Political Balance
Labour	38	50.67%
Conservative	21	28.00%
Liberal Democrat	11	14.67%
Cardiff West Independent	4	5.33%
Heath & Birchgrove Independent	1	1.33%
Totals	75	100.00%

8. Based on the revised composition of the Council shown in Table C above the proportional allocation of seats on those Committees is as set out in Table D:

TABLE D – Revised Allocation of Seats in accordance with Political Balance

Groups and Independents	Number of Committee seats
Labour	75
Conservative	41
Liberal Democrats	21
Cardiff West Independents	8
Independent (Not in a Group)	0
Totals	144

Proposed Changes to Committee Memberships

9. To achieve the allocation of seats required in Table D initial proposals are being considered by the political groups and will be included in the amendment sheet to be published before the Council meeting.
10. The changes to the committee membership are fully described in **Appendix A (to follow)**.

Nominations and Appointments to Committees

11. It is the duty of the Council to make appointments as soon as practicable and to give effect to the stated wishes of party groups regarding who is to be appointed to the seats allocated to each particular group.
12. Under the rules on political balance, the Council may adopt an alternative arrangement to strict political proportionality for the allocation of seats on Committees, and distribute seats on a different basis provided that notice of such proposal is given in the Council Summons, and the alternative arrangement is approved by Council, without any Member voting against the arrangement (referred to as a '*nem con*' vote).
13. It is normal practice for the Groups to make known their nominations, but where this is not achieved the Director of Governance and Legal Services and Monitoring Officer may exercise her delegated authority (reference LD17) to make appointments to fill committee seats in accordance with the wishes of the political groups and then report the appointments and any subsequent changes to the next Council meeting for information. Alternatively, appointments may be made at the next meeting of Full Council.

Legal Implications

14. Sections 15 to 17 of the Local Government and Housing Act 1989 ("the 1989 Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the 1990 Regulations") lay down requirements designed to ensure that there is political balance on Committees. The rules apply to all ordinary committees, advisory committees, scrutiny committees, the Democratic Services Committee, and joint committees where the Council appoints three or more seats, but do not apply to the Standards and Ethics Committee or the Audit Committee (although

statutory guidance recommends equivalent provision, as noted in paragraph 16 of the report)

15. Council is required to review the political make up of its Committees, and determine the allocation of seats to political groups in accordance with the principles set out in Section 15 of 1989 Act, those principles being:
 - (a) not all seats on a Committee should be allocated to the same political group;
 - (b) the majority group on the Council should form the majority on the Committee;
 - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
 - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.
16. However, the allocation of seats based on the political proportionality principles set out in Section 15 of the 1989 Act (please see paragraph 11 above) may be varied (pursuant to Section 17 of the 1989 Act) if alternative arrangements are approved by the Council, subject to:
 - i. Notice being given to all Members of the proposal to adopt the alternative arrangements for the allocation of seats – this is met by the express reference made in the Council Summons (Regulation 20 of the 1990 Regulations); and
 - ii. The alternative arrangements must be approved by the Council without dissent (a “nem con” vote).
17. Where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 (“the 1990 Regulations”) requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter - its function is simply to make appointments, which give effect to the wishes of the political groups.
18. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
19. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the

Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.

20. This report recommends that Council makes changes to the appointments to its committees in accordance with the groups' nominations submitted to this Council meeting; and instructs the Monitoring Officer to make changes and appointments to any remaining vacancies in accordance with the wishes of the relevant political groups, and to report all changes and appointments made to the next Council meeting.

Financial Implications

21. There are no financial implications arising from this report.

RECOMMENDATIONS

The Council is recommended to:

24. approve the allocation of seats on Committees for the remainder of the 2019/20 municipal year as set out in **Appendix A**;
25. receive nominations from Party Groups in respect of the changes made to the allocation of seats to each Group;
26. make changes and appoint Members to each Committee in accordance with the wishes expressed by relevant Party Groups as detailed on the amendment sheet;
27. request the Monitoring Officer to make changes and appointments in respect of any remaining vacancies in accordance with the wishes expressed by the relevant political groups following this meeting, and to report to the next Council meeting the details of all changes and appointments to committees for information.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

22 November 2019

Appendix A – Revised Allocation of Committee Seats

Background Papers: None other than those identified in the report.