

3 July 2014

6. CONSTITUTIONAL MATTERS

(a) Political Balance

Recommendation

1. **The Head of Legal and Democratic Services recommends that Council:**
 - (a) **notes the reduction in membership of the Labour Group, and the outcome of the Redditch Arrow Valley East by-election;**
 - (b) **considers the consequential impact upon political balance and the proposed allocation of seats on Committees as set out in this report; and**
 - (c) **appoints the Vice-Chairman of the Planning and Regulatory Committee.**

Background Information

2. The Council is under a legal duty to ensure that the seats on its ordinary committees are allocated between the respective political Groups on the Council in accordance with the principles of political balance as far as is reasonably practicable.

3. These principles (in descending order) are that a majority group has a majority on each of the Council's ordinary committees; subject to that the overall number of seats allocated to each of the Groups reflect political balance; and subject to both the above that seats on individual committees reflect political balance between the Groups.

Seat Allocations

4. The recent by-election in Redditch Arrow Valley East following the resignation of UKIP Councillor Mr Martin Jenkins resulted in the election of Mr Peter Bridle, who has joined the UKIP group. Accordingly, no change is triggered in the Council's seat allocation to UKIP which remains as it was for a Group of 2 members.

5. Mr Alan Amos has resigned from the Labour Group, which has now reduced to 11 members. The consequential political balance recalculations mean that the Labour Group is due to lose one committee seat in total. It is suggested that this seat comes from the Planning and Regulatory Committee where Labour are currently allocated 3 out of 13 seats, so their allocation becomes 2. No other alterations to seat

allocations are then needed.

6. Mr Amos has not joined another political Group, and sits as an ungrouped independent member. No other political Group therefore has any increased entitlement to committee seats.

7. As the Council's legal duties of political balance only apply in respect of political Groups, Mr Amos himself has no legal entitlement to be allocated any committee seats. It is, however, open to the Council to allocate a seat to Mr Amos if it so chooses - provided seat allocations otherwise are politically balanced. (The previous Council chose to do this in respect of a Councillor who resigned from the Conservative Group, and sat as an independent member. During this period Council permitted him to remain on the particular committee as no other Group had an entitlement to the seat under the political balance rules.) It is slightly preferable for the Planning and Regulatory Committee to remain with odd numbers for the purposes of decisive voting, but it is a matter for the Council whether to allocate its 13th seat to Mr Amos or reduce the size of that Committee by one to a total of 12.

Vice-Chairman of Planning and Regulatory Committee

8. Mr Amos had previously been the Labour Group nominee on the Planning and Regulatory Committee, and had been appointed by the Council as Vice-Chairman of that Committee. Following his resignation from the Labour Group, he was replaced as a member on it, and the Vice-Chairmanship has been held vacant. Council is now requested to appoint the Vice-Chairman of the Planning and Regulatory Committee.

Waste Credit Governance Committee

9. Council has established a new Waste Credit Governance Committee of nine Members and appointed the Chairman and Vice Chairman. The political balance calculations are met by the membership of this new Committee being five Conservatives, two Labour, one 2013 Group, and one Independent Alliance Member. Council is therefore recommended to approve this seat allocation, to be filled according to the nominations of the respective Group Leaders.

Appointments etc Panels

10. Council is also asked to ratify the allocation of seats upon the ad hoc Appointments etc Panels. They were originally three Conservative, one Labour and one 2013 Group. Since the Independence Alliance Group expanded to have the same number of members as the 2013 Group, the fifth seat on the Panel has alternated between the 2013 and Independent Alliance Groups, and Council is asked to confirm this.

(b) Recording of

<p>Budget Votes</p> <p>Recommendation</p>	<p>11. The Head of Legal and Democratic Services recommends that Council adopts a new Procedural Standing Order in relation to Council Budget decisions as set out in the report, and authorises him to amend the Constitution to reflect the new Regulations.</p>
<p>Background Information</p>	<p>12. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require councils to record the names and votes of Members in relation to Council Budget/Precept decisions. This is with a view to increasing transparency.</p> <p>13. To reflect the Regulations it is therefore recommended that Council adopts a new Procedural Standing Order 24.3.3:</p> <p><i>'immediately after any vote on the budget calculations or precept is taken at a budget decision meeting of the Council there must be recorded in the Minutes of the proceedings of that meeting the names of the persons who cast a vote for or against the decision or who abstained from voting'.</i></p> <p>14. This provision would therefore apply to all future budget/precept decisions at February Council, including decisions on amendments. It is likely that the easiest mechanism for recording names is through the usual named vote process, but this is not strictly required if the names and votes can otherwise be recorded comprehensively.</p>
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<p>Background Papers</p>	<p>In the opinion of the Proper Officer (in this case the Director of Resources) there are no background papers relating to the subject matter of this report.</p>