

The Chief Executive's Report on return of Members Elected and Political Proportionality

Clacton East By-Election Return of Members Elected

Political Proportionality

Colin Sargeant has been returned as the Member for the Clacton East Division at the By-Election held on 31 March 2016 which was triggered by the vacation of the office of the previous Councillor.

Councillor Chris Pond, the Leader of the Non Aligned Group, has given notice that Councillor Sargeant has joined the Non-aligned Group on the Council. This triggers a review of the political balance of the Council's committees and other bodies.

In addition, Councillor Andy Erskine has resigned from the UKIP Group and he and Councillor Pond have given notice that he has also joined the Non Aligned Group.

Review of Political Proportionality

The political composition of the Council is now as follows:

Group	Number of members
Conservative	44
Labour	9*
Liberal Democrat	9
UKIP	5
Non-aligned group	5
Green	2
Independent	1

*includes one vacancy caused by the death of Councillor Bill Archibald.

The review of political proportionality has been undertaken in accordance with the statutory political balance rules as the law requires the Council to allocate committee seats to registered political groups in accordance with those rules. The rules are as follows:

1. The majority party must have a majority of seats on every committee. Where there are co-opted voting members this is a majority of all seats, not just those held by councillors.
2. The total number of ordinary committee seats must be proportionate. So where the Conservative Group has 58% of Council seats it should have 58% of the ordinary committee seats. The Council's Overview and Scrutiny Committees and Joint Committees do not count as 'ordinary committees'.
3. Each individual committee must be as proportionate as possible. For example, a group with 58% of Council seats should have 58% of the seats on each committee.

These rules can sometimes conflict, depending on the number and size of the political groups. If this happens the first rule is the most important, then the second and then the third.

The political balance rules do not always completely determine the balance of each committee. Sometimes the Council unavoidably has some discretion as to how to apply those rules. For example, if there are committees of the same size which have to be balanced differently under the rules, there is discretion as to which committee those should be applied to. Any discretion is exercised by full Council.

In accordance with usual practice we have undertaken the balancing exercise based on a Labour Group membership of 9 seats pending the by-election. On this occasion this does not strictly accord with the political balance rules, but this is permissible if not opposed by any political group and avoids a further rebalancing exercise if the incumbent party holds the seat at a by-election.

In summary, the Non-Aligned Group has overall increased by one and the UKIP Group has reduced by one. Members should note:

- a. The UKIP and Non-Aligned groups both currently have two 'ordinary committee' seats and there is therefore no change to ordinary committee membership.
- b. The UKIP Group is entitled to one fewer seat on the Essex Fire Authority.
- c. The Fire Authority seat vacated by UKIP should be allocated to the Liberal Democrat Group. Subject to the note above, this seat could be given to the Labour or the Liberal Democrat Group but since Labour have an extra seat on the HOSC it is proposed to give this seat to the Liberal Democrat Group.

Recommendation:

- (1) That the revised political balance of the Council be noted.
- (2) That the seat allocations to political groups be unchanged except that seat allocations to the Essex Fire Authority shall be:

Conservative 12	Liberal Democrat 3	Labour 2
UKIP 1	Non Aligned 1	Green 1