

<b>22 October 2014</b>		<b>ITEM: 3</b>
<b>Council</b>		
<b>Item of urgent business: Result of the West Thurrock &amp; South Stifford by-election and appointments to committees and outside bodies</b>		
<b>Wards and communities affected:</b> None	<b>Key Decision:</b> Not applicable	
<b>Report of:</b> Graham Farrant, Chief Executive		
<b>Accountable Head of Service:</b> Fiona Taylor, Head of Legal & Democratic Services		
<b>Accountable Director:</b> Graham Farrant, Chief Executive		
<b>This report is public</b>		

### **Executive Summary**

A by-election was held in West Thurrock & South Stifford on Thursday 16 October and this report provides Members with the details of the result of the by-election, together with the changes required to the appointments previously made to committees and outside bodies.

#### **1. Recommendation(s)**

- 1.1 That the result of the West Thurrock & South Stifford by-election, held on 16 October 2014, be noted.**
- 1.2 That the Leader of the Council be invited to inform the Council of the appointments he has made to the East of England Regional Transport Forum and the Thames Gateway South Essex Transport Board.**
- 1.3 That the Council receive nominations and be requested to make an appointment to the Thames Gateway Innovation Growth and Enterprise (TIGER) scheme to fill the vacancy that has arisen.**
- 1.4 That the Council do not change the allocation of seats on committees, as set out in Appendix 1, leaving the membership of committees as they are at present until the result of the by-election in the Aveley and Uplands Ward is known and so leave the seats on the following committees vacant:**
  - **Children's Services Overview and Scrutiny Committee**
  - **Health and Wellbeing Overview and Scrutiny Committee**

## 2. Introduction and Background

- 2.1 A by-election was held on 16 October 2014 to fill the vacancy in the West Thurrock & South Stifford Ward.
- 2.2 This report provides Members with the details of the result of the by-election and the changes required to the appointments previously made to committees and outside bodies.

## 3. Issues, Options and Analysis of Options

### By-election in West Thurrock & South Stifford

- 3.1 A by-election to fill the vacancy on the council was held on Thursday 16 October 2014. The result of this is set out in the table below

Name of candidate	Description	Number of votes
Terry Brookes	Labour Party Candidate	903
Russell Peter Cherry	United Kingdom Independence Party	621
John Rowles	The Conservative Party Candidate	270

- 3.2 Accordingly, Terry Brookes was declared by the Returning Officer as being elected as the councillor for West Thurrock & South Stifford.

### Political balance and allocation of seats on committees

- 3.3 The result of the by-election in West Thurrock & South Stifford has not had an effect on the political balance of the council. However, a vacancy is deemed to exist on the Council in the Aveley and Uplands Ward.
- 3.4 The political balance of the council is calculated by using the simple formula below (to two decimal places):

$$\frac{\text{No. of Group Members} \times 100}{49}$$

3.5 Following the by election held on 16 October 2014 and taking into account the vacancy that is deemed to exist on the Council, the political balance is set out in Table 1 below:

<b>Group</b>	<b>No. of Councillors</b>	<b>%</b>
Labour	23	46.94%
Conservative	18	36.73%
UKIP	5	10.20%
Independent	2	4.08%
Vacancy	1	2.05%
<b>Total</b>	<b>49</b>	<b>100</b>

3.6 The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

3.7 After undertaking the above calculation for each of the political groups represented on the Council, the strict entitlement to seats is as follows:

- Labour 38 seats
- Conservative 30 seats
- UKIP 8 seats
- Independent 3 seats

3.8 Each of the political groups are only entitled to their proportion of seats and of the 81 seats available, 79 can be allocated to political groups and so the remaining 2 seats have to remain vacant.

3.9 In order to ascertain the number of seats to be allocated to political groups on each committee, the following calculation is required to be undertaken:

$$\frac{\% \text{ from Table 1}}{100} \times \text{No. of committee places available}$$

3.10 After applying the calculation to each of the committees that were established by the council at its Annual Meeting, the allocation of seats to each of the political groups on committees has changed. **Appendix 1** shows a rounded allocation of seats to each political group and this is then required to be

manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.

- 3.11 From the figures set out in **Appendix 1**, the following manual adjustments would be required:
- (a) As a result of the rounding of the strict entitlement to seats, the calculation has allocated an additional seat on the Licensing Committee that takes it above the size of the Committee. The Group that are statistically least entitled to this are the Conservative Group, with 0.51, as opposed to the Independent Group with 0.61 and UKIP with 0.53. As a result of this, the Conservative Group now requires 2 seats to be allocated in order to bring them into line with their strict entitlement.
  - (b) A seat is to be allocated on the Planning Committee. The Group that is statistically the most under represented on this Committee is the Independent Group. If any other Group were to be allocated this seat, they would have a greater statistical over representation on the Committee than the Independent Group.
  - (c) The Labour Group are required to give up 1 seat in order to bring them into line with their strict entitlement. Statistically, they have a greater over representation on the Corporate Parenting Committee. This will then bring them into line with their strict entitlement to 38 seats across all committees.
  - (d) The Conservative and Independent Groups are owed 2 and 1 seats respectively to bring them into line with their strict entitlement.
  - (e) The Independent Group have the greatest under representation on the Corporate Parenting Committee and therefore should be allocated this seat, in order to bring them into line with their strict entitlement to 3 seats across all committees.
  - (f) The UKIP Group should lose 4 seats in order to bring them into line with their strict entitlement to seats on committees. They are most over-represented on the Licensing Committee, together with those committees that have 6-members, namely the Standards & Audit Committee and each of the Overview & Scrutiny Committees. They should therefore give up any two seats across the aforementioned committees to bring them into line with their strict entitlement to seats across all committees.
  - (g) Two of the seats given up by the UKIP Group should be given to the Conservative Group, whilst two seats should remain vacant as they cannot be allocated to any other political group without them going over their strict entitlement to seats on committees. In June 2014, UKIP were required to give up 2 seats which they did on the Standards & Audit Committee and the Cleaner, Greener & Safer O&S Committee.

- (h) However, the Conservative Group have to be allocated two seats that have been given up by the UKIP Group on any two of the committees with 6 members, namely the 6 overview & scrutiny committees and the Standards & Audit Committee, in order to bring them into line with their strict entitlement to 30 seats across all committees.
- (i) The Leader of the Conservative Group should identify which 2 seats the Group would wish to take.

3.12 Steps (a) to (e) were also undertaken in June 2014 and so, if repeated, should not require any additional changes to the appointments that have previously been made to committees.

3.13 The Council is asked to consider not changing the allocation of seats on committees, leaving the membership of committees as they are at present until the result of the by-election in the Aveley and Uplands Ward is known. This would mean that the seats on the following committees would be kept vacant:

- Children's Services Overview and Scrutiny Committee
- Health and Wellbeing Overview and Scrutiny Committee

3.14 Group Leaders have been consulted in respect of the calculations set out at **Appendix 1**, the manual adjustments that are required in order to ensure that seats on committees are correctly allocated to each of the political groups, and, the proposal not to change the appointments to committees until after the result of the by-election in the Aveley and Uplands Ward is known.

#### **Changes required to be made to outside bodies, statutory and other panels**

3.15 There are changes that are required to be made to appointments previously made to outside bodies, statutory and other panels. Vacancies exist on the following bodies:

- East of England Regional Transport Forum (*appointment restricted to the relevant Cabinet Member only*)
- Thames Gateway South Essex Transport Board (*appointment restricted to the relevant Cabinet Member only*)
- Thames Gateway Innovation Growth and Enterprise (TIGER) scheme (*appointment is to be made by the Council*)

3.16 The Leader of the Council has the authority to appoint the Cabinet. The appointments to the East of England Regional Transport Forum and the Thames Gateway South Essex Transport Board are reserved to the Cabinet Member who has the responsibility for transport.

- 3.17 Accordingly, the Leader of the Council will advise the Council of the appointments made to the East of England Regional Transport Forum and the Thames Gateway South Essex Transport Board.
- 3.18 Finally, nominations will be requested at the meeting for an appointment to be made to the vacancy on the Thames Gateway Innovation Growth and Enterprise (TIGER) scheme. In the case of more people nominated than there are positions to be filled, the procedure set out at paragraphs 3.19 to 3.21 will apply.

### **Voting on appointments**

- 3.19 The Constitution contains a procedure to be followed if there are more people nominated for any position(s) than there are position(s) to be filled (Chapter 2, part 2, Rule 20.9) and this will be applied in the event of any appointment being contested.
- 3.20 If there is not a clear majority of votes in favour of the required number of people, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 3.21 Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

## **4. Reasons for Recommendation**

- 4.1 The council is required to make appointments to those committees and outside bodies that have been identified in the report in order to enable it to be properly represented.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Consultation has been undertaken in respect of this report with the Leader of the Council and the Leaders of each of the political groups.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 It is important for the council to nominate to committees and outside bodies, statutory and other panels in order to ensure that it continues to represent the interests of both the authority and the wider community.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

There are no financial implications arising from this report.

### **7.2 Legal**

Implications verified by: **David Lawson**  
**Deputy Head of Legal & Democratic Services**

The legal implications relating to the allocation of seats to political groups are set out within the report.

It is important that Members are correctly appointed to committees and outside bodies, statutory and other panels, through the relevant Council meeting, to ensure they are indemnified in certain circumstances. There are no further legal implications arising from this report.

### **7.3 Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore attention is drawn to the importance of ensuring that appointments to committees and outside bodies, statutory and other panels are underpinned by appropriate training on the statutory equality framework.

### **7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

## **8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

## **9. Appendices to the report**

- **Appendix 1** – allocation of seats on committees

### **Report Author:**

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