

28 January 2015		ITEM: 9
Council		
Result of the Aveley & Uplands by-election and review of the allocation of seats on committees		
Wards and communities affected: None	Key Decision: Not applicable	
Report of: Graham Farrant, Chief Executive		
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services		
Accountable Director: Graham Farrant, Chief Executive		
This report is public		

Executive Summary

A by-election was held in the Aveley & Uplands Ward on Thursday 4 December 2014 and this report provides Members with the details of the result.

Following the result of the by-election, the opportunity has been taken to review the allocation of seats on committees.

1. Recommendation(s)

- 1.1 That the result of the Aveley & Uplands by-election, held on 4 December 2014, be noted.**
- 1.2 That the allocation of seats on committees, as set out in Appendix 1, be approved.**

2. Introduction and Background

- 2.1 A by-election was held on 4 December 2014 to fill the vacancy in the Aveley & Uplands Ward.**
- 2.2 This report provides Members with the details of the result of the by-election and also reports the position in respect of political balance and the allocation of seats on committees.**

3. Issues, Options and Analysis of Options

- 3.1 A by-election to fill the vacancy on the council was held in the Aveley & Uplands Ward on Thursday 4 December 2014. The result of this is set out in the table below.

Name of Candidate	Description	Number of Votes
AKER, Tim Mark	UK Independence Party	747 Elected
O`REGAN, John	Labour Party Candidate	338
STRINGER, Edward Andrew	Independent	217
WEBSTER, Teresa	The Conservative Party Candidate	520

- 3.2 Accordingly, the Returning Officer declared that Tim Aker was duly elected as a councillor for the Aveley & Uplands Ward.

Political balance and allocation of seats on committees

- 3.3 On 22 October 2014, the Council considered a report following the by-election in West Thurrock & South Stifford. At this meeting, it was agreed that the Council would not change the allocation of seats on committees and therefore leave the membership of committees as they were until the result of the by-election in the Aveley and Uplands Ward was known (Minute No.59(4) refers).
- 3.4 This meant that the following seats on committees, previously allocated to the UKIP Group, would be left vacant:
- Children's Services Overview and Scrutiny Committee
 - Health and Wellbeing Overview and Scrutiny Committee
- 3.5 Following the recent by-elections in both the West Thurrock & South Stifford Ward and the Aveley & Uplands Ward, the political balance of the Council has returned to the position originally reported at the Annual Meeting of the Council on 11 June 2014. This is set out in the table below for Members' information:

Group	Councillors	%
Labour	23	47%
Conservative	18	37%
UKIP	6	12%
Independent	2	4%
Total	49	100

3.6 The position reported to the Annual Meeting of the Council on 11 June in respect of the allocation of seats on committees was as follows:

- (a) As a result of the rounding of the strict entitlement to seats, the calculation allocated an additional seat on the Licensing Committee that took it above the actual size of the Committee. The Group that were statistically least entitled to this were the Conservative Group, with 0.51, as opposed to the Independent Group with 0.61 and UKIP with 0.84. As a result, after giving up the seat on the Licensing Committee, the Conservative Group now required 2 seats to be allocated to them in order to bring them into line with their strict entitlement.
 - (b) A seat was to be allocated on the Planning Committee. The Group that was statistically the most under represented on this Committee was 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. Accordingly, the seat was given to the Independent Group.
 - (c) UKIP were required to give up 2 seats in order to bring them into line with their strict entitlement. Statistically, they had a greater over representation on those committees that comprise 6 Members, namely, all of the Overview & Scrutiny committees and the Standards and Audit Committee. UKIP were to give up two seats, to be drawn from those they have been notionally allocated on the aforementioned committees, in order to bring them into line with their strict entitlement to 10 seats across all committees.
- The UKIP Group gave up seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee.
- (d) The Labour Group were required to give up 1 seat in order to bring them into line with their strict entitlement. Statistically, the Committee they were most over represented on was the Corporate parenting Committee. They gave up this seat in order to bring them into line with their strict entitlement to 38 seats across all committees.
 - (e) The Conservative and Independent Groups were owed 2 and 1 seats respectively to bring them into line with their strict entitlement. Seats were available on the Corporate Parenting Committee, the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee.
 - (f) The Independent Group had the greatest under representation on the Corporate Parenting Committee and therefore were allocated this seat in order to bring them into line with their strict entitlement to 3 seats across all committees.

- (g) The Conservative Group were allocated the remaining two seats that had been given up by UKIP, in order to bring them into line with their strict entitlement to 30 seats across all committees.

The Conservative Group has not yet nominated to the two seats given up by UKIP at the Annual Council Meeting on 11 June 2014 and, as a result, seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee have remained vacant.

- 3.7 Group Leaders have been consulted and have reiterated their agreement to the previously reported and agreed position, as set out above.
- 3.8 Accordingly, there are no changes required to the allocation of seats on committees.
- 3.9 However, the UKIP Group will be required to nominate to the vacancies that exist on both the Children's Services Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee.
- 3.10 It should be noted that the Conservative Group has not yet nominated to the two seats given up by UKIP at the Annual Council Meeting, with these being on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee. Both seats will remain vacant until such time as nominations are made.
- 3.11 An opportunity exists on the Agenda for Groups to make nominations to seats on Committees that have been allocated to them, with the Council subsequently being asked to make the appointments that have been requested.

4. Reasons for Recommendation

- 4.1 The Council is being asked to note the result of the Aveley & Uplands by-elections and approve the political balance calculation in order for appointments to be made to the vacancies that currently exist on committees.

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 properly constitute its committees in order to ensure that it properly represents the interests of both the authority and the wider community.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications arising from this report.

7.2 Legal

Implications verified by: **Fiona Taylor**
Head of Legal and Monitoring Officer

A review of the allocation of seats on committees has been undertaken following the result of the Aveley & Uplands By-election, in accordance with Section 15 of the Local Government and Housing Act 1989.

Once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

7.3 Diversity and Equality

Implications verified by: **Teresa Evans**
Equalities and Cohesion 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 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:

Matthew Boulter

Principle Democratic Services Officer

Chief Executive's Office