

North East Derbyshire District Council

Council

2 March 2026

PROPORTIONALITY OF THE COUNCIL

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

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PURPOSE / SUMMARY

To report changes to the proportionality of the Council.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL

The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

1. That the changes to the political make-up of the Council be noted and the proportional allocation of committee places be agreed.
2. That the appointments to Committees, as updated at the meeting, be agreed.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council is required to allocate seats to political groups in accordance with the Political Balance requirements of section 15 of the Local Government and Housing Act 1989. The criteria are listed in paragraph 1.2 in the order in which they must be applied.

If Members wish to agree an alternative to the figures applying under the proportionality rules, this would have to be by an unanimous vote for the alternative at the meeting considering the alternative arrangements. This unanimous vote is required by the legislation and is not optional. An alternative proposal would have to be presented to Members to ensure all Members are aware of the proposed different allocations before voting.

It has become necessary to review the allocations in the light of recent changes to political group memberships.

The Legal Rules governing the proportionality rules and the allocation of seats

There have been a number of reports on the proportionality rules and the allocation of seats to Committees at recent Council Meetings. There seemed to be some confusion as to what these rules are. They are set out and explained below.

They are in Sections 15 to 17 of the Local Government and Housing Act 1989. They are applied when the Authority's Members are formally split into political groups for the purposes of the proportionality rules. This means that small groups and single members can get together as a political group for these rules whilst maintaining separate political party affiliation. The groupings are solely for this purpose – of allocating seats in proportion.

Section 15 sets out the rules

Section 15(3) states that it is the duty of the authority to determine the allocation to the different political groups.

Section 15(4) states that in exercising this duty, the authority has a duty, so far as is reasonably practicable, to give effect to the principles in Section 15(5).

Please note that this is so far as reasonably practicable. Members come in whole numbers, but percentages do not. There is never the likelihood that the percentages will come out as a whole number of members.

Section 15(5) sets out the principles as follows:

- (a) That not all seats can go to one political group.
- (b) That the majority party has the majority of the seats allocated.

These 2 rules are paramount in allocating the seats to Committees. These 2 rules must be complied with in priority to the next 2 rules.

- (c) That, subject to (a) and (b) the proportion of seats allocated to each party across the Committees bears the same proportion to the total number of seats on Committees as does the number of that party's Cllrs on the Authority does to the number of seats on the Authority.

This rule is subject to (a) and (b) and is therefore subservient to those rules. This rule cannot be dealt with in a way that means that (a) and (b) are not complied with.

This aggregates/adds up the numbers of seats to be allocated to all the Committees by the Authority. It is then necessary to allocate these seats in the same proportion as the party's seats on the Authority bears to the number of seats on the Council. This latter number for this Council is of course 53.

(d) That subject to (a) to (c) the allocated number of seats of each party on each Committee bears the same proportion to the number of all seats on the Committee as does the number of seats that party has on the Authority bears to the number of seats on the Authority.

This rule is subservient to all the rules above. It cannot be dealt with in such a way as to mean that rules (a) to (c) are not complied with.

This applies the same proportionality argument to the seats on each Committee.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services
All – Good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the Council as a whole is divided.
- 1.2 The legislation also requires that in appointing members on a politically proportional basis, the Authority should conform with the following principles, so far as reasonably practicable, in the following order:
- (a) That not all seats on the body are allocated to the same political group.
 - (b) That a political group with an overall majority of the seats on the Council gets a majority of seats allocated on all Committees and Advisory Groups subject to the proportionality rules.

- (c) Subject to (a) and (b) that the total number of seats each political group has on all Committees and Advisory Groups is in proportion to that group's share of the total Council elected membership.
- (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the Council as a whole.

1.3 In line with the provisions of the Constitution, the Council will comply with Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 by:

- Deciding the allocation of seats to political groups in accordance with the Political Balance rules;
- Receiving nominations of Councillors to serve on each Committee and Advisory Group and make the associated appointments.

1.4 The following bodies are not required to be political proportionate; Cabinet and Licensing Committee Sub-Committees.

1.4 Following the change of political group of one Councillor, the proportionality of the Council needs to be recalculated.

2. Details of Proposal or Information

2.1 The proportion of places on the Council by political group as it stood in December 2025 is set out in the table below.

Political Group	No. of Councillors	% on the Council	Number of Seats on Committees	% of seats on Committees
Labour Group	27	50.94%	50	56.82%
Conservative Group	16	30.19%	26	29.55%
North East Derbyshire Independent Group	6	11.32%	9	10.23%
Independents Group	3	5.66%	3	3.41%
Reform UK*	1	1.89%	0	0%

*With only one Councillor Reform UK are not considered a group but are included in the table for information.

2.2 Proportionality rules apply to groups; individual Councillors who are not part of a group are not automatically entitled to a share of seats under proportionality rules.

2.3 When there are Members who are ungrouped, the legislation requires that once the proportional allocation to political groups has been made in accordance with

the four principles, any remaining unallocated seats must be reserved and appointed to ungrouped Independent Members.

2.3 Councillor Foster recently informed the Monitoring Officer that he was no longer a member of the Conservative Group.

2.4 The current political proportionality of the Council is now:

Political Group	No. of Councillors	% on the Council	Entitlement to seats (rounded)
Labour Group	27	50.94%	44.83 (45)
Conservative Group	15	28.30%	24.91 (25)
North East Derbyshire Independent Group	6	11.32%	9.96 (10)
Independents Group	3	5.66%	4.98 (5)
Unaligned (not part of a Group)	2	3.77%	3.32 (3)

2.5 In order to comply with legislation, in the order it is set out, the following has been considered.

There are currently 88 seats available on Committees.

The rounded entitlement of seats is then distributed amongst the committees, considering first the majority group's majority on each committee, then that the allocation of seats is in line with overall proportionality, as far as reasonably practicable, and then subject to the first two considerations that the number of seats on each committee bears the same proportionality.

2.6 This results in the following committee allocation:

Committee	Labour	Conservative	NED Ind	Ind	Unaligned
Audit	3	2	0	0	0
Employment and Appeals	3	1	0	0	0
General Licensing	6	3	2	0	0
Licensing & Gambling	6	3	2	0	0
Planning	6	3	1	1	0
Standards	4	2	0	1	0
Joint ICT	2	1	0	0	0
Business Scrutiny*	5	2	1	1	0

Communities Scrutiny	5	2	2	0	0
Environment Scrutiny	5	3	0	1	0
Services Scrutiny	5	3	1	0	0
Total	50	25	9	4	0

**change has been reflected for Business Scrutiny Committee but it could be Business or Services Scrutiny Committee.*

This table reflects the following proposed changes:

One place on either Business Scrutiny Committee or Services Scrutiny Committee moving from the Conservative Group to the Independent Group.

- 2.7 This proposed change would mean the largest opposition group has a very similar percentage of seats to proportionality on the council, and the Independent Group is closer to its entitlement of seats, having previously had the biggest difference.
- 2.8 The proportion of places on the Council by political Group and the proposed change to committee places is set out below.

Political Group	% on the Council	Number of Seats on Committees	% of seats on Committees
Labour Group	50.94%	50	56.82%
Conservative Group	28.30%	25	28.41%
NED Independent Group	11.32%	9	10.23%
Independent Group	5.66%	4	4.55%
Unaligned	3.77%	0	0%

- 2.9 The Group Leaders affected have been informed of the proposed changes.
- 2.10 It should be noted that with the current numbers in each political group it is not possible for all opposition groups to have their full proportional representation because according to the legislation the majority group's majority should be prioritised. This does not mean the other requirements have been ignored, they have been met where reasonably practicable. Committee places have been allocated to get as close to each group's overall numbers as possible, whilst being fair as possible to all groups.
- 2.11 It is possible for Council as its Annual Meeting in May 2026 to consider whether it wishes to review the size of committees, which would require a change to the terms of reference for some committees.

3 Reasons for Recommendation

- 3.1 The report recommends that the allocation of Committee seats detailed meets the requirements of Section 15 of the Local Government and Housing Act as far as reasonably practicable.

4 Alternative Options and Reasons for Rejection

- 4.1 None. The Council is required to consider and allocate seats to political groups in accordance with the Political Balance requirements.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	