

# North Lanarkshire Council Report

## Council

Does this report require to be approved?

☒ Yes ☐ No

Ref

Date

28/03/24

## Changes to Political Balance

**From** A Aitken, Chief Officer (Legal and Democratic)

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### Executive Summary

Council is recommended:-

1. To note the political balance calculations as detailed in the report;
2. To acknowledge that the political balance calculator is unable to determine which political group should be awarded a place on the bodies listed in paragraph 2.5;
3. To agree that the committee places on the bodies listed in paragraph 2.5 be awarded as detailed in paragraph 2.8, and
4. To otherwise note the contents of the report.

### Recommendations

It is recommended:-

1. that the Council acknowledges that, in accordance with political balance, either the Labour Group or the SNP Group should receive the 14<sup>th</sup> place on each of the following:-

Education Employee Appeals Sub-Committee  
Employee Appeals Sub-Committee  
Petitions Sub-Committee  
Regulatory Committee

and agrees that this shall be achieved as detailed in paragraph 2.8 of this report, and

2. that the Council notes the other impacts to committee memberships as a result of the changes to political group affiliation, as detailed in the report, and that these will be resolved via direct communication with political groups by Council officers and dealt with elsewhere on the agenda at the meeting of the Council on 28 March 2024.

## The Plan for North Lanarkshire

Priority	Enhance participation, capacity, and empowerment across our communities
Ambition statement	All ambition statements
Programme of Work	Statutory / corporate / service requirement

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### 1. Background

- 1.1 On 11 January 2024, Councillor Baudo informed the Chief Executive that she had resigned from the Progressive Change North Lanarkshire (PCNL) Group and had joined the Labour Group, with immediate effect.
- 1.2 Standing Order 63 states that “The appointment of Members to all Council bodies shall be undertaken having due regard to Political Balance in accordance with the Local Government and Housing Act 1989.” Whilst that aspect of that Act was never enacted in Scotland, the Council has previously agreed to incorporate the requirement for political balance into its Standing Orders.
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### 2. Report

- 2.1 Previously, where changes in political balance have occurred following such events as a by-election or elected members moving between political groups, the calculation that is applied to determine committee composition has provided a clear indication of how political balance is to be achieved.
- 2.2 In this case, the situation is complex and has resulted in a position whereby officers are not in a position to indicate where the position should be allocated and therefore are seeking Council to make this determination.

#### The Political Balance Calculation

- 2.3 Following Councillor Baudo’s move from the PCNL Group to the Labour Group, the balance on the Council is as follows:-

Labour Group	35 Members (45.45%)
SNP Group	24 Members (31.17%)
PCNL Group	7 Members (9.09%)
Conservative Group	5 Members (6.49%)
Others	6 Members (7.79%)

For the purposes of calculation, “Others” comprises 5 Independent Members, 1 Scottish Green Member and 1 British Unionist Member, who, if calculated individually, would never achieve a score high enough to be provided with any committee memberships

- 2.4 To determine how many members from each group are appointed to each committee, the percentage total shown above is applied to each committee. This in turn provides a number, taken to two decimal places, for each Group. Officers will then round up/down that number accordingly to achieve a whole number and this is the number of places allocated to each group on each committee.

## Two Groups Applicable for an Additional Place

2.5 In the current position, for the committees listed below:-

- Education Employee Appeals Sub-Committee (14 Members)
- Employee Appeals Sub-Committee (14 Members)
- Petitions Sub-Committee (14 Members)
- Regulatory Committee (14 Members)

the calculation achieves the following outcome:-

Labour Group	6.36 Members
SNP Group	4.36 Members
PCNL Group	1.27 Members
Conservative Group	0.91 Members
Others	1.09 Members

Standard rounding up and down would present an outcome of 6, 4, 1, 1 and 1 places respectively. However, this only provides a total of 13 places on those committees which have 14 places available.

The next stage in such circumstances would be to identify the Group which has the largest 2-digit decimal over and above the whole number. In this case, both the Labour Group and the SNP Group have a decimal of 0.36.

Officers attempted to resolve the position by expanding to a greater number of decimal places, but this produced a tie in all instances.

2.6 Given this equality, the calculation does not provide a solution as to which group, out of the Labour Group and the SNP Group, should receive the additional place in each instance and, accordingly, Council is asked to make the determination.

2.7 Council is advised that allocating the place in each instance to a group other than those listed in paragraph 2.6 above would not accord with political balance and would therefore be contrary to Standing Order 63.

2.8 Following discussions between the Labour Group and the SNP Group, agreement has been reached, whereby:-

- Education Employee Appeals Sub-Committee – place to be allocated to SNP Group (Councillor Jarvie to replace Councillor Brennan)
- Employee Appeals Sub-Committee – place to be allocated to SNP Group (Councillor Smith to replace Councillor Baudo)
- Petitions Sub-Committee – place to be allocated to Labour Group (Councillor Fisher to replace Councillor McManus)
- Regulatory Committee – place to be allocated to Labour Group (Councillor Baudo to remain appointed)

### Other Changes Arising Out of the Change in Political Balance

- 2.9 Council is also advised that some other changes to committee membership are required as a result of the position as detailed in paragraph 1 of this report, but these are able to be dealt with in co-operation with political groups as the political balance calculator provides a clear outcome. However, for completeness, those changes are listed below:-

Adult Care and Social Work Committee	Labour Group to lose one place PCNL to gain one place
Housing Committee	Labour Group to lose one place PCNL to gain one place
Joint Negotiating Committee (JNC) For Teaching Staff	Labour Group to lose one place PCNL to gain one place
Wellbeing and Tackling Poverty Committee	Labour Group to lose one place PCNL to gain one place

These changes will be dealt with elsewhere on the agenda for the meeting of the Council on 28 March 2024.

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### **3. Measures of success**

- 3.1 That the Council's decision-making process accurately reflects the political balance of the Council.

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### **4. Supporting documentation**

None



**A Aitken**  
**Chief Officer (Legal and Democratic)**

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## 5. Impacts

<b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b> Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?  If Yes, has an assessment been carried out and published on the council's website? <a href="https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments">https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments</a> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>5.2 Financial impact</b> Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?
<b>5.3 HR policy impact</b> Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?
<b>5.4 Legal impact</b> Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?
<b>5.5 Data protection impact</b> Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to <a href="mailto:dataprotection@northlan.gov.uk">dataprotection@northlan.gov.uk</a> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>5.6 Technology / Digital impact</b> Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?

	<p>Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<b>5.7</b>	<p><b>Environmental / Carbon impact</b></p> <p>Does the report / project / practice contain information that has an impact on any environmental or carbon matters?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<b>5.8</b>	<p><b>Communications impact</b></p> <p>Does the report contain any information that has an impact on the council's communications activities?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<b>5.9</b>	<p><b>Risk impact</b></p> <p>Is there a risk impact?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?</p>
<b>5.10</b>	<p><b>Armed Forces Covenant Duty</b></p> <p>Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.</p>
<b>5.11</b>	<p><b>Children's rights and wellbeing impact</b></p> <p>Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).</p> <p>If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>