

**Constitution of, allocation of seats on and appointment of committees, sub committees and advisory panels; appointment of chairmen and vice chairmen**

<b>Head of Service/Contact:</b>	Kathryn Beldon, Chief Executive
<b>Annexes/Appendices (attached):</b>	<b>Annexe 1:</b> Schedule of Nominations to Committees (to follow)
<b>Other available papers (not attached):</b>	The Local Government and Housing Act 1989 Local Government (Committees and Political Groups) Regulations 1990 (as amended)

**Report summary**

To seek approval of the allocation of seats on Committees and Advisory Panels; the appointments to Committees and Advisory Panels and the appointment of Chairmen and Vice-Chairmen.

**Recommendation (s)**

That Council:

- (1) Notes that for the purposes of Regulations made under the Local Government and Housing Act 1989, Members of the Council have formed themselves into Political Groups with the numbers of Members as shown in this report, and that under those Regulations, the sizes of the Groups are used as the basis for determining Group entitlements to seats on relevant Committees Agrees the allocation of seats as set out in paragraphs 3 and 4 of the report in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups represented on Council;
- (2) Allocates seats on the Committees, Sub Committees and Advisory Panels in accordance with the wishes of the political groups set out in the Annexe to this report;
- (3) Agrees the allocation of seat(s) to the member not part of a political group proposed in Annexe 1;
- (4) Appoints the Chairmen and Vice Chairmen in the light of nominations received as set out in the Annex to the report.

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### 1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 There are no direct implications for the above matters arising from this report.

### 2 Background

2.1 The statutory provisions contain detailed provisions as to when the Council or Committee must review the allocation of seats. Broadly this is at the Annual Meeting, after elections, or where new political groups are constituted or where members change groups.

2.2 Following the recent Borough Elections, the make of the Council Membership is as follows:

	<b>Total seats for Council</b>	<b>Residents Association</b>	<b>Labour</b>	<b>Liberal Democrats</b>	<b>Conservative</b>
<b>Members</b>	<b>38</b>	<b>32</b>	<b>3</b>	<b>2</b>	<b>1</b>

2.3 The political composition of the Council is therefore:

	<b>Council</b>	<b>Residents Association</b>	<b>Labour</b>	<b>Liberal Democrats</b>	<b>Conservative (Ungrouped)</b>
<b>Members</b>	<b>38</b>	<b>32</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>%</b>		<b>84.21%</b>	<b>7.89%</b>	<b>5.26%</b>	<b>2.63%</b>

2.4 The Council is asked to note that for the purposes of Regulations made under the Local Government and Housing Act 1989, Members of the Council have formed themselves into Political Groups: Residents Association (32 seats) Labour (3 seats) and the Liberal Democrats ( 2 Seats). Under the Regulations, the sizes of the Groups are used as the basis for determining Group entitlements to seats on Committees.

2.5 Local Government Committee and Political Group Regulations 1990 (as amended) provides that there must be at least two members to form a group. A group ceases to be a group if numbers fall below 2.

2.6 The Local Government & Housing Act 1989 requires the allocation of seats on committees, advisory panels and certain other bodies to reflect the political make-up of the Authority.

2.7 Subsequent to allocating seats, the Council has a duty to make appointments to the specified committees giving effect to the wishes of the political group allocated the seats.

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2.8 When determining the allocation of seats, Section 15(4) Local Government & Housing Act 1989 sets out 4 rules, and requires authorities to apply them in descending order of priority:

Rule 1: where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.

Rule 2: where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.

Rule 3: without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.

Rule 4: so far as is consistent with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.

2.9 The Council's overriding duty to comply with 1 and 2 above, takes precedence over achieving a mathematically balanced distribution of Committee seats as described in 3 and 4. Applying those rules the table below, sets out the allocation of seats.

2.10 Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least 2 members. Therefore working on what appears to be the current position, the 1 Conservative does not constitute a political group. The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

2.11 The political proportionality rules also apply to those outside bodies dealing with local government matters to which the council appoints three or more representatives.

### **3 Allocation of seats on Ordinary Committees**

3.1 Accordingly, taking into account the principles set out above, the following allocation of seats result:

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Committees	Number				
	RA	LAB	LD	Committee size	Valid group members
Standards	8	1		9	9
Standards Hearings Sub	2	1		3	3
Audit, Crime & Disorder & Scrutiny	8	1	1	10	10
Community & Wellbeing	8	1	1	10	10
Health Liaison Panel	6	1		7	7
Environment & Safe Community	8	1	1	10	10
Strategy & Resources	8	1	1	10	10
HR Panel	6			6	6
Fin Policy Panel	6	1	1	8	8
Shareholder Sub	4			5	4
Planning Committee	12	1		13	13
Licensing & PI Policy	8	1	1	10	10
Licensing Sub	11	1	1	13	
Licensing (Hearings)	2	1		3	
Licensing (General)	3	1		3	
				0	0
<b>Totals</b>	<b>100</b>	<b>13</b>	<b>7</b>	<b>120</b>	<b>120</b>

#### 4 Allocation of seats on other committee and panels

4.1 The Council jointly manages Nonsuch Park with the London Borough of Sutton. Applying the principles, of the 3 Council seats, 2 are allocated to the RA with 1 to Minority Groups.

#### 5 Individual Membership of Committees and Appointment of Chairmen and Vice Chairmen

5.1 Once the Council has approved the manner of constituting the main Committees, then, in accordance with the 1989 Act and the Council's Rules of Procedure, it is necessary to make appointments on each Committee so as to give effect to the wishes of the relevant groups.

5.2 The final wishes of the Groups are set out in the Annex to this report (to follow) including the proposed allocation of seats to the Conservative member.

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- 5.3 After the composition of each committee has been agreed, the Council will need to appoint the Chairman and Vice Chairman from amongst the committee's membership and the majority group nominations are also set out in the Annex to this report (to follow).

**6 Financial and Manpower Implications**

- 6.1 There are no financial or manpower implications for the purposes of this report.
- 6.2 *Chief Finance Officer's comments: None arising from the contents of this report*

**7 Legal Implications (including implications for matters relating to equality)**

- 7.1 These are contained within the body of the report.
- 7.2 *Monitoring Officer's comments: None arising from the contents of this report.*

**8 Sustainability Policy and Community Safety Implications; Partnerships**

- 8.1 There are no implications arising from this report.

**9 Risk Assessment**

- 9.1 Provided the Council allocates seats on committees, so far as reasonably practicable in accordance with the requirements of the 1989 Act, there are no significant risks arising from the report.

**10 Conclusion and Recommendations**

- 10.1 It is recommended that committees and panels be appointed as set out above, and seats on committees be allocated, and appointed, in accordance with the relevant legislation.

**Ward(s) Affected:** (All Wards);