

Crawley Borough Council

Report to Full Council

24 May 2019

Review of Political Proportionality, Constitution of Committees and Appointments to Outside Organisations 2019/2020

Report of the Head of Legal, Democracy and HR – LDS/152

1. Purpose

- 1.1 To review the representation of different Political Groups on the Council and to determine the size and membership of the Council's Committees for the municipal year 2019/2020 in accordance with the requirements of the Local Government and Housing Act 1989.
- 1.2 To appoint named Councillors to the Council's Committees to reflect the wishes of each of the Political Groups and to appoint Chairs to each of these Committees.
- 1.3 To consider the appointment of persons on outside organisations to which the Council is invited to make nominations.

2. Background

- 2.1 The Membership Committee was previously established to make such recommendations to Annual Council but Full Council, at its meeting on 1 April 2015, agreed to disband that Committee and requested that a report be submitted directly to Annual Council for approval.
- 2.2 The Constitution is in the process of being reviewed and such, the Full Council is asked to approve the continued use of the current Constitution which includes the Terms of Reference of the Council's Committees set out in Part 3 of the Constitution.
- 2.3 In preparing this report, full consultation has been undertaken with the respective Group Leaders.

3. Review of Political Proportionality and Appointments to Committees

- 3.1 The Housing and Local Government Act 1989 (and The Local Government (Committees and Political Groups) Regulations 1990 (No. 1553)) contain provisions concerning the political balance on Committees, the duty to allocate seats to Political Groups and the duty to give effect to allocations.
- 3.2 The Council has a statutory duty to review the representation of different Political Groups on the Council at its annual meeting. The purpose of the legislation is to ensure that a 'political balance' is secured on Council Committees, Sub-Committees etc. so as to reflect the overall political composition of the Council. Alternative arrangements in not applying strict political proportionality can be put in place

provided the Full Council gives unanimous support without any Councillor dissenting from that approach.

- 3.3 The requirement to allocate seats must be made in accordance with the following statutory principles:
- a) No Political Group can have all the places on a Committee (the exception is the Cabinet);
 - b) A Group having an overall majority on the Borough Council is entitled to a majority of seats on each Committee;
 - c) Subject to the above two principles, the number of seats on the total of all the ordinary Committees of the Council allocated to each Political Group must bear the same proportion to the proportion on the Full Council (i.e. the gross number of seats is allocated in accordance with each Group's entitlement.);
 - d) Subject to the above three principles, the number of seats on each ordinary Committee of the Council allocated to each Political Group must bear the same proportion on the Full Council (i.e. the number of seats on each committee is allocated in accordance with each Group's entitlement.).
- 3.4 The application of these rules produce different figures, so the figures have to be reconciled by applying the rules in descending order of importance. The critical rule is rule (b) if, as in the case of the Full Council, there is an overall majority, and numbers of seats are then reconciled with rules (c) and (d).
- 3.5 Although the legal requirement for political proportionality only applies to the Overview and Scrutiny Commission, Planning Committee, Audit Committee and Governance Committee, for consistency, the Council has adopted the same approach for all of the Committees, Sub-Committees, Working Groups and Scrutiny Panels.
- 3.6 Following the Borough elections on 2 May 2019, the new political balance for 2019/2020 is 19 Labour, and 17 Conservative. A full list of the results are published separate in this agenda (agenda item 9 refers).
- 3.7 The Full Council need to agree the appointment of Councillors (including substitutes where appropriate) and Chairs and Vice-Chairs of Committees to reflect the wishes of the Political Groups in accordance with **Appendix A** to this report.

RECOMMENDATION 1

- 1) That the number of Councillors to serve on the Council's Committees (taking into account political proportionality) for the municipal year 2019/2020 be as set out in **Appendix A** to this report,
- 2) That, on the nominations of the Political Groups, the Full Council be recommended that:
 - a) Councillors be appointed to the Committees of the Council for the municipal year 2019/2020 as set out in **Appendix A** to this report.
 - b) The Chairs and Vice-Chairs (except where there are any competing nominations for Chair/Vice-Chairs which shall be decided at Annual Full Council) of the respective Committees for the municipal year 2019/2020 be as indicated in **Appendix A** to this report.

4. Appointments to Outside Organisations

- 4.1 The Full Council is requested to consider the appointment of persons on bodies and outside organisations to which the Council is invited to make nominations.

RECOMMENDATION 2

That the Full Council be recommended to appoint the representatives to the Bodies and Organisations as indicated in **Appendix B** to this report. Where there are more nominations than places available, the Full Council is asked to determine who should be appointed.

5. Council's Constitution

- 5.1 In line with best practice, the Full Council is required to approve the Council's Constitution as a whole on an annual basis.
- 5.2 The Council's Constitution is in the final stage of being rewritten, through the Constitutional Review Work Group, however the redesigned Constitution is not in a position to be adopted at this time. Therefore Full Council is asked to approve use of the current Constitution (which includes the new Cabinet Member Portfolio Responsibilities) as found [here](#).

RECOMMENDATION 3

That the Full Council is recommended to approve the Council Constitution.

6. Background Papers

None

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