

Crawley Borough Council

Report to Governance Committee

26 January 2021

Allocation of Committee Chairs and Vice-Chairs

Report of the Interim Monitoring Officer – LDS/162

1. Purpose

- 1.1. Following the Council's move into no overall control in July 2020, the Leader of the Council and the Leader of the Opposition signed a Joint Group Agreement to assist the smooth running of Council business. As part of that Agreement it was agreed that work would occur to address the requirement for a more proportionate system for arrangements for the appointment of Chairs and Vice-Chairs of Committees ("C/VC") going forward. The Mayoralty has not been considered within this report.
- 1.2. This report sets out potential options for the Committee's consideration.

2. Recommendations

- 2.1. That the Governance Committee:
 - a) Considers the options for the allocation of Committee Chairs and Vice-Chairs and decides which proposal (if any) it wishes to put forward to the Full Council for adoption.
 - b) Requests that the Full Council amends the Constitution to reflect any adopted protocol regarding the allocation of Committee Chairs and Vice-Chairs.

3. Reason for the Recommendations

- 3.1. To provide cross-party agreement for the allocation of Committee C/VC. A protocol would enable a more proportionate approach of appointing Chairs and Vice-Chairs of Committees.

4. Background

- 4.1. Although the legal requirement for political proportionality, as set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, only applies to the Overview and Scrutiny Commission, Planning Committee, Audit Committee, Governance Committee and Licensing Committee, the Council has adopted the same approach for the membership of all its Committees, Sub-Committees, Working Groups and Scrutiny Panels.

- 4.2. At its meeting on 28 September 2015, the Governance Committee considered report LDS/109 which put forward membership options for the position of C/VC of the Overview and Scrutiny Commission (“Commission”). Consequently the Full Council resolved that, where there is more than one political group on the Council, either the position of Chair or Vice-Chair of the Commission will go to a Councillor nominated by an Opposition Group.
- 4.3. With the exception of the Commission, the Council does not currently allocate the position of Committee C/VC on a politically proportionate basis and each political party has the opportunity to put forward nominations for these roles in the membership report considered by the Full Council at its AGM. There is no legal requirement for a Council to allocate the position of Committee C/VC on a politically proportionate basis.
- 4.4. The political composition of the Council has become increasingly close in recent years and both the Leader of the Council and the Leader of the Opposition felt that, through their Joint Agreement, there was an opportunity to adopt a protocol which would remain sustainable regardless of which party was in administration. Such a protocol would set out how Committee C/VC would be allocated in advance of forthcoming elections in a way which had cross-party agreement.

5. Evidence Gathering

- 5.1. The Centre for Public Scrutiny has previously stated that it was good practice to allocate the position of Chair of the Commission to a member of the opposition. Following an investigation undertaken by the Democratic Services Team, it was found that a number of Councils state that Commission/Scrutiny Chairs must be a member of the opposition.
- 5.2. The Centre for Governance and Scrutiny (CfGS) states that a number of Councils make general committee chairships available across party groups, proportionately, but there is no requirement to do so. The CfGS argues that a political balance in chairing tends to make scrutiny more effective, and their [Annual Survey of Overview and Scrutiny in Local Government 2014–15](#) stated that, at that time, 23% of Councils allocated the roles of Chair and Vice-Chair on a politically proportionate basis.
- 5.3. It is also worth noting that the balance of Select Committee Chairs in the House of Commons is allocated on the broad principle that the balance of Chairs should reflect the party balance in the House of Commons.
- 5.4. Having investigated the practices of other Councils, there appears to be no formal examples, with the exception of Scrutiny Chairs, of set protocols over proportional allocation of Committee C/VC. Cheshire East Council did have a Notice of Motion on this matter in March 2019 which was voted down. A number of other Councils allow Vice-Chairs to be appointed by the Committee itself rather by the Full Council.

6. Options for Consideration

- 6.1. Below are a number of options for the Committee to consider and/or adapt to develop an approach which is right for Crawley.

Current Approach

- 6.2. Currently nominations for Committee C/VC are provided by Groups for consideration by the Full Council AGM where statistically the nomination proposed by the Administration at the time is carried. The Constitution states that either the C/VC of the Commission must be a member of the Opposition Group.

Fixed Cascade Approach

- 6.3. A fixed cascade would leave no ambiguity as to which exact Chair/Vice-Chair positions the largest Opposition Group would be entitled to. The allocation would be on a fixed cascading basis, according to the proportion of seats held. An illustrative example of such a system is set out below.

Largest Opposition Group (number of seats held)	OSC	Audit	Governance	Planning	Licensing
2	VC				
6	C	VC			
9	C	VC	VC		
12	C	C	VC	VC	
15	C	C	C	VC	VC
18*	C	C	C	C	C

* Non-Administration Party

Strict Proportional Approach

- 6.4. This approach would allocate C/VC on a strictly proportional basis (i.e. if an opposition party held 25% of the seats they would be entitled to 25% of the combined C/VC positions).
- 6.5. For example:
- a) 12 seats of the 36 would entitle the Opposition Group to a total of 3 C/VC positions (i.e. 3C and 0VC; or 0C and 3VC; or 2C and 1VC; or 1C and 2VC).
 - b) 16 seats of the 36 would entitle the Opposition Group to a total of 4 C/VC positions (i.e. 2C and 2VC; or 3C and 1VC; or 1C and 3VC; or 4C and 0VC; or 0C and 4VC).
- 6.6. An optional variation to the Strict Proportional Approach could be that a restriction be included that there be no more than a difference of one between the number of Chair and the number of Vice Chair positions allocated to the Opposition Group.
- 6.7. The decision as to which Committees these entitlements would be applied to would be taken by the Full Council at its AGM.

7. Implications

- 7.1. The allocation of these positions based on political proportionality is not a legal requirement.
- 7.2. The Constitution would be updated to reflect any protocol adopted by the Council.

8. Background Papers

[Report LDS/109 "Overview and Scrutiny Commission Membership Options for Chair and Vice Chair" – Governance Committee 28 September 2015](#)

Centre for Governance and Scrutiny: [Annual Survey of Overview and Scrutiny in Local Government 2014–15](#)

East Cheshire Council: [Special Council Meeting Agenda 5 March 2019](#)

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