

Crawley Borough Council

Report to Full Council

28 May 2021

Review of Political Proportionality, the allocation of sets to Committees the appointment of Councillors to Committees and to Outside Organisations for 2021 – 2022

Report of the Head of Legal, Governance and HR – LDS/167

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 2021 – 2022 in accordance with the requirements of the Local Government and Housing Act 1989 and associated Regulations.
- 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.
- 1.4 To consider the appointment of persons onto the Cabinet's Advisory, Working Groups and Member Development Executive Support Group to which the Council is invited to make nominations. Subject to their reestablishment and confirmed Terms of Reference by the Leader as part of their executive functions.
- 1.5 To consider the latest version of the Council's Constitution.

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 Council's Constitution deals the Terms of Reference of the Council's Committees are set out in Part 1 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 and following any change in membership. 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.
- 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 seats 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.
- 3.6 Following the Election held on 6 May 2021, the Council make up is as follows: the Conservative Group is 18, the Labour Group is 17, and there is 1 Individual Independent Member.
- 3.7 This change has also meant a recalculation of the committee proportionality to the following: Based on 36 Seats, 17 Labour = 47.2% of the seats, 18 Conservative = 50%. The remaining 2.8% relates to the Independent Member, however to be entitled to be allocated a seat on a committee you must be a member of a political group, therefore they are not entitled to any allocation of seats, but the 2.8% has been included within the proportionality calculation.
- 3.8 The Full Council needs to approve the proposed allocation of seats based on the above proportionalities (or as close as possible) as shown in **Appendix A**. The same proportional criteria has been used for the seat on the Cabinet's Advisory, Working Groups and Member Development Executive Support Group 2021/2022 as shown in **Appendix B**. (Subject to their establishment by the Leader of the Council/ Cabinet).

- 3.9 Nominations have been sought from each of the Group Leaders for the proposed Committee, outside bodies and Cabinet’s Advisory, Working Groups and Member Development Executive Support Group. These nominations will be tabled at the meeting itself.
- 3.10 The Council is also required to appoint the Chairs and Vice Chairs of the Committees. At the Full Council in 24 February 2021 the Council approved a proportionate approach to the Allocation of Committee Chairs and Vice-Chairs, as detailed in the table below. These nominations for these positions will also be presented at the meeting itself.

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

RECOMMENDATION 1

- 1) That the number of Councillors to serve on the Council’s Committees (taking into account political proportionality) for the municipal year 2021/2022 as set out in **Appendix A** to this report be approved
- 2) That the Full Council be recommended to appoint:
 - a) Councillors to the Committees of the Council for the municipal year 2021/2022 as presented at the Annual Meeting.
 - b) the Chairs and Vice-Chairs, as presented at the Annual Meeting in line with the approved allocation protocol.

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 Councillors to the Bodies and Organisations as indicated in **Appendix C** 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 The Full Council has responsibility for the adopting the Council's Constitution. The latest draft version of the Constitution can be found [here](#) for Members approval. This version contains all changes previously agreed by the Council and any minor amendments made in consultation and approved in line with delegation scheme by the Head of Legal, Governance and HR.
- 5.2 Executive elements of the Constitution are the responsibilities of the Leader and as such changes to those sections are subject to their approval.

RECOMMENDATION 3

To approve for publication the latest draft version of the Council's Constitution, subject to any changes arising from this Full Council meeting being included prior to publication.

6. Background Papers

None

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Proposed Committees and Proportionalities 2021-2022

Audit Committee (6 Councillors 3:3)	
<i>Not more than 1 member shall be a Cabinet member and that Councillors shall not Chair the Committee. Substitutes retained because small size & concerns about quorum</i>	
3 Labour	3 Conservative

Governance Committee (10 Councillors 5:5)	
5 Labour	5 Conservative

Planning Committee (10 Councillors 5:5)	
5 Labour	5 Conservative

Licensing Committee (13 Councillors = 6:7)	
<ol style="list-style-type: none"> 1) <i>Between 10 and 15 s with a quorum of 10 when dealing with matters under the Licensing Act 2003.</i> 2) <i>Councillors are reminded that the Committee includes Sub Committee daytime meetings responsibilities.</i> 	
6 Labour	7 Conservative

Licensing Sub-Committee (From a pool of Councillors)	
<ol style="list-style-type: none"> 1) <i>A minimum of three Councillors will be called upon to determine any given application and a Chair will be appointed at each meeting.</i> 2) <i>Membership should be the same as that of the Licensing Committee.</i> 3) <i>Please note that a significant number of these meetings are scheduled for the daytime.</i> 	

Overview and Scrutiny Commission (10 Councillors)	
5 Labour	5 Conservative

**Council-owned Neighbourhood Parades Scrutiny
(6 Councillors 2:3:(1))**

Subject to confirmation at the next meeting of the Overview and Scrutiny Commission

NB On-going Scrutiny Panel: Names listed is the current Membership

M Ayling
T Lunnon

R A Lanzer (Chair)
M Mwagale
D Peck

**Employment Panel
(From a pool of Councillors)**

- 1) As far as possible, a politically balanced committee of between 3 and 7 Councillors will be drawn from the following membership.
- 2) Political groups may add further names to the pool if they so wish.
- 3) At least one Opposition Councillor is required on an Employment Panel when it meets.
- 4) The quorum and the size of the employment Panel varies depending on the cases it is dealing with. See Constitution Part 1 Section 5 Employment Panel for exact details.

**Grants Appeals Panel
(From a pool of Councillors)**

- 1) *As far as possible, a politically balanced panel of 5. Councillors will be drawn from the following membership.*
- 2) *Not to include any Cabinet members involved in the decision on the grant application(s).*
- 3) *Political groups may add further names to the pool if they so wish.*

Terms of Reference and Appointments for Advisory and Working Groups, Member Development Executive Support Group

Notes

- 1) Lead Officers to be appointed to each Working Group
- 2) Administration to be undertaken by each individual service department.

<p>Working Groups & Terms of Reference*</p> <p><i>*Subject to their reestablishment and confirmed Terms of Reference by the Leader as part of their executive functions.</i></p>	<p>Proposed 2021/22</p>
<p>Economic Regeneration Working Group (ERWG)</p> <ol style="list-style-type: none"> 1. To receive and consider updates on economic regeneration initiatives and actions across the Borough, including delivery of the Crawley Growth Programme, Town Centre Regeneration programme, Employment & Skills Programme, the delivery of individual economic regeneration schemes and partnership activities within the Manor Royal Business District. 2. To receive and consider reports on economic regeneration activities in Crawley and to make recommendations, as necessary, to the Cabinet on the:- <ul style="list-style-type: none"> • Proposals to regenerate sites identified in the Local Plan, the Town Centre Supplementary Planning Document and the Manor Royal Supplementary Planning Document & Design Guide. • identification and promotion of other economic regeneration opportunities to enhance the physical appearance and social, economic and educational attributes • communications with all interested parties to maintain confidence in the wider economic regeneration of Crawley. <p><i>Lead Officer:- Head of Economy & Planning</i></p>	<p>12 Members</p> <p>5 Labour 6 Conservative (1)</p> <p>To be Chaired by the Cabinet Member who holds the area of responsibility</p>
<p>Local Plan Working Group (LPWG)</p> <p>To consider and provide guidance on the process for reviewing the Local Plan and support the Local Plan Review to examination, if/when this is progressed.</p> <p><i>Lead Officer:- Head of Economy & Planning</i></p>	<p>10 Members</p> <p>5 Labour 5 Conservative</p> <p>To be Chaired by the Cabinet Member who holds the area of responsibility</p>
<p>Member Development Executive Support Group (MDESG)</p>	<p>4 Members</p> <p>2 Labour</p>

<ol style="list-style-type: none"> 1. To provide all party support for a coordinated approach to Member development and training across the Council. 2. To identify individual and Group training needs and to prioritise them accordingly. 3. To develop, monitor and evaluate all member development activities. 4. To promote learning and development opportunities amongst all members of the Council encouraging the highest level of participation by members to organised training and development events. 5. To ensure that a comprehensive induction programme is made available to all newly elected Councillors. <p><i>Lead Officer:- Head of Legal, Governance & HR</i></p>	<p>2 Conservative</p> <p>To be Chaired by the Cabinet Member who holds the area of responsibility</p>
<p>Town Hall Project Members Working Group (THPMWG)</p> <p>Focus on the Town Hall element of the proposed development and within this primarily, although not exclusively, the requirements for members' facilities and the civic areas of the new building.</p> <p><i>Co-Lead Officers:- Deputy Chief Executive and Head of Major Projects & Commercial Services</i></p>	<p>6 Members</p> <p>3 Labour 3 Conservative</p> <p>To be Chaired by the Cabinet Member who holds the area of responsibility</p>
<p>Unsupervised Play Investment Programme Members Working Group (UPIPWG)</p> <ol style="list-style-type: none"> 1. To provide all party support for a coordinated approach to investment in unsupervised play areas. 2. To consider the short term reprioritisation of the remaining twelve play areas in the current programme, with the view to postponing and / or bringing other key sites forward 3. To agree prioritisation criteria and; apply the criteria to the current stock and; agree a new unsupervised play area investment programme. 4. To consider variations to the agreed programme in future years should circumstances require. 	<p>6 Members</p> <p>3 Labour 3 Conservative</p> <p>To be Chaired by the Cabinet Member who holds the area of responsibility</p>

APPENDIX C

Full Council Outside Organisations 2021/ 2022

Name of Organisation	Appointments 2021/22
Age UK – West Sussex Trustee Board <i>(Link Officer = Craig Downs)</i>	<i>Cabinet Member for Wellbeing &</i> <u>One vacancy</u>
Community Needs Partnership <i>(Link Officer = Matt Lethbridge)</i>	Five Representatives. <i>The Cabinet Member for Public Protection and Community Engagement has a standing invitation to attend and take part in discussions of the "Community Needs Partnership" with arrangements to invite other relevant Cabinet Members to participate as and when the agenda item may be appropriate to their portfolios.</i>
Courage Dyer Recreational Trust <i>(Link Officer = Hayley Thorne)</i>	Appointed automatically ex-officio as Mayor. <u>Two vacancies</u> on a 4 year appointments only <i>- Once appointed, not required to remain a Councillor</i> <i>- Only 4 nominations acceptable in total</i> <ul style="list-style-type: none"> • B A Smith (May 2019 to May 2023)
Crawley Arts Council (CAC) <i>(Link Officer = Matt Lethbridge)</i>	<u>Two vacancies</u>
Crawley Ethnic Minority Partnership (CEMP) Partnership Board <i>(Link Officer = Craig Downs)</i>	<u>One vacancies.</u>
Crawley Community and Voluntary Service <i>(Link Officer = Craig Downs)</i>	<u>Two vacancies</u> <i>(One seat per Group)</i>
Crawley Museum Society <i>(Link Officer = Matt Lethbridge)</i>	<u>Three vacancies</u>

<p>Crawley Open House Management Committee</p> <p>(Link Officer = Nikki Hargrave)</p>	<p><u>Two vacancies</u> (One seat per Group)</p> <p>(plus officer from Housing and Planning Strategic Services)</p> <p><i>N.B. Councillor Burrett is on Board of Trustees and on the Management Committee (all Trustees sit on the Mgt Ctte but not vice-versa). However, it is understood that he was appointed A Trustees in a personal capacity and not directly through the Council. Councillor Burrett is not included as part of the two Council representatives.</i></p>
<p>Crawley Town Twinning Association (CTTA)</p> <p>(Link Officer = Hayley Thorne)</p>	<p>Up to Three Representatives (At least one per group)</p>
<p>Gatwick Airport Community Trust (GACT)</p> <p>(Link Officer = Craig Downs)</p>	<p><u>One vacancy</u> – 4 year appointment.</p>
<p>Relate - North & South West Sussex Trustee Board</p> <p>(Link Officer = Craig Downs)</p>	<p><u>One vacancy</u></p>
<p>Court of the University of Sussex</p> <p>(Link Officer = Clem Smith)</p>	<p><u>One vacancy.</u></p>
<p>West Sussex Joint Scrutiny Steering Group*</p> <p>(Link Officer = Heather Girling)</p> <p><i>Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p><i>Chair of the Commission</i></p>
<p>West Sussex Health and Adult Social Care Select Committee *</p> <p>(Link Officer = Heather Girling)</p> <p><i>Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p><i>Must be a Member of the OSC</i></p>
<p>West Sussex Mediation Service Management Committee</p> <p>(Link Officer = Craig Downs)</p>	<p>Two Representatives.</p> <p><i>The Mediation Service is willing to make 2 main and 2 deputy places available</i></p>