

Crawley Borough Council

Report to Full Council

29 May 2022

Review of Political Proportionality, the allocation of sets to Committees the appointment of Councillors to Committees and to Outside Organisations and Proposed Cabinet and their Portfolio Holder Responsibilities for 2022 – 2023

Report of the Head of Legal, Governance and HR – LDS/180

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 2022-2023 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 to outside organisations for which the Council is invited to make nominations.
- 1.4 To consider the proposed appointment of persons to the Cabinet's Advisory, Working Groups and Member Development Executive Support Group for which the Council is invited to make nominations. This is 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 set 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 including to seek their Group representatives.

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 and Scrutiny Panels.
- 3.6 Following the Election the Council make up is as follows the Labour Group is 18, the Conservative Group is 17, and there is 1 vacancy.
- 3.7 The election results meant a recalculation of the committee proportionality to the following: Based of 36 Seats (including one vacant seat), 18 Labour = 50% of the seats, 17 Conservative = 47.2%. The remaining 2.8% relates to the vacancy and is still required to be 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) a shown in **Appendix A**.
- 3.9 The same proportional criteria has been used for the seat on the Cabinet's Advisory, Working Groups and Member Development Executive Support Group 2022-2023 as shown in **Appendix A** . (Subject to their establishment by the Leader of the Council/ Cabinet).

- 3.10 The Council is also required to appoint the Chairs and Vice Chairs of the Committees. The Full Council previously approved a proportionate approach to the Allocation of Committee Chairs and Vice-Chairs as detailed in the table below. This is contained within Section 6 Membership of Committee, Part 1 Introduction To Decision Making within the Constitution.

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

The nominations for each Committee Chairs and Vice Chairs as shown in Appendix A are based on this formula.

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 (LDS/180) be approved
- 2) That the Full Council be recommended to appoint:
 - a) Councillors to the Committees of the Council for the municipal year 2022-2023 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 to outside organisations for which the Council is invited to make nominations.
- 4.2 At the Full Council meeting 30 March 2022, Councillors agreed that when appointing representatives to a Council Outside Body with two or more Council seats, at least one position will be given to each of the largest political Groups on the Council (where those Groups have made a nomination). The proposed nominations from each Group have complied with this formula.

RECOMMENDATION 2

That the Council be recommended to appoint the representatives to the Bodies and Organisations as indicated in **Appendix A** to report (LDS/180). Where there are more nominations than places available, the Council is asked to vote on who should be appointed.

5. Terms of Reference and Appointments for Advisory and Working Groups and Member Development Executive Support Group (Executive Function)

- 5.1 Appendix A of report LDS/180 also includes the proposed appointment of persons onto the Cabinet's Advisory, Working Groups and Member Development Executive Support Group. The proposed political makeup of these Working Groups have been calculated using the same committee proportionality as detailed in paragraph 3.7.

RECOMMENDATION 3

That the Council be recommended to note the proposed nominations to the Advisory and Working Groups and Member Development Executive Support Group along with their Terms of Reference as shown in **Appendix A** to report (LDS/180) and seek confirmation from the Leader over their establishment for the forthcoming year.

6. Council's Constitution

- 6.1 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 endorsed (this link will cease to be available once the Constitution has been updated following the Annual Meeting). 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.
- 6.2 Executive elements of the Constitution are the responsibilities of the Leader and as such changes to those sections are subject to their approval.

RECOMMENDATION 4

To note and endorse for publication the latest version of the Council's Constitution, subject to any changes arising from the Annual Council Meeting being included prior to publication.

7. Background Papers

None

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