

## LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Scrutiny &amp; Overview Committee</b>	
<b>DATE OF DECISION</b>	<b>17 May 2023</b>	
<b>REPORT TITLE:</b>	<b>Appointments to Scrutiny and Overview Sub-Committees</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer</b>	
<b>LEAD OFFICER:</b>	<b>Adrian May Interim Head of Democratic Services</b>	
<b>LEAD MEMBER:</b>	<b>Chair of the Scrutiny &amp; Overview Committee</b>	
<b>AUTHORITY TO TAKE DECISION:</b>	In accordance with paragraph 1.2 (iv) in part 4.E – Scrutiny and Overview Procedure Rules of the Council’s Constitution, a meeting of the Scrutiny and Overview Committee is convened at the rise of Annual Council to resolve the membership, including the appointment of Chair and Vice-Chair and any co-opted members, of its Sub-Committees	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>	Public
<b>WARDS AFFECTED:</b>	N/A	

### 1. APPOINTMENTS TO SCRUTINY & OVERVIEW SUB-COMMITTEES

- 1.1. This report sets out for the agreement of the Scrutiny & Overview Committee the proposed membership for the three Scrutiny & Overview Sub-Committees, namely the Children & Young People Sub-Committee, Health & Social Care Sub-Committee and the Streets, Environment & Homes Sub-Committee, as agreed by the political groups on the Council. The proposed membership can be found in the accompanying Appendix 1 to this report.

### 2. RECOMMENDATIONS

- 2.1. For the reasons set out in the report, the Scrutiny & Overview Committee is recommended to agree:

1. the allocation of seats on Scrutiny Sub-Committees, in line with the political balance rules; and
2. the appointments (including regular and reserve members and chairs and vice-chairs) to the Scrutiny & Overview Sub-Committees as set out in Appendix 1.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 In accordance with statutory rules, establishing scrutiny sub-committees is reserved in the Council's Constitution (paragraph 1.2 (iv) in part 4.E – Scrutiny and Overview Procedure Rules) to the Scrutiny & Overview Committee. This includes the annual appointment of the membership of each sub-committee, including the appointment of Chairs and Vice-Chairs.

## **3 POLITICAL BALANCE AND THE APPOINTMENT OF MEMBERSHIP TO THE SCRUTINY SUB-COMMITTEES**

- 3.1 The Committee needs to constitute its sub-committees having regard to the rules on political balance. The rules on political balance and committees / sub-committees are set out in sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.
- 3.2 The Committee is required to review the representation of different political groups on its sub-committees in specified circumstances. As soon as practicable after the review, the Committee then has a duty to determine the allocation to the different political groups all the seats on its sub-committees.
- 3.3 The allocation is determined by applying the political balance rules prescribed by section 15(5) of the 1989 Act. These rules are set out in the next paragraph and are designed to ensure that the political composition of the Council's committees and sub-committees, as far as possible, replicates the political composition of the Council.
- 3.4 The rules are that seats on relevant committees / sub-committees must be allocated to different political groups (i.e. a group of two or more members), so far as reasonably practicable, in accordance with the following four principles:
- (a) That not all the seats on the body are allocated to the same political group. In other words, committees/sub-committees comprising solely of members of the same political group are not allowed.
  - (b) That the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership. As no political group has an overall majority, this rule is not applicable.
  - (c) Subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the *ordinary committees* of the Council as the proportion of the members of the Council that belong to

that group. In other words, the total number of seats on certain committees have to be taken together and then allocated proportionately to each political group so far as is possible. This rule is not applicable to sub-committees.

(d) Subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group.

- 3.5. Following the mayoral and local elections in May 2022 and the by-elections on 30 June and 3 November 2022, the two main political groups in the Council remain as the Labour Group and the Conservative Group. The Council also has two Green Party Members (who have constituted a political group) and one Liberal Democrat Member.
- 3.6. For the purposes of political balance calculations, the membership of the Council in percentage terms breakdowns as follows:

<b>Political Group/ Ungrouped Member</b>	<b>Members</b>	<b>Percentage</b>
Conservative	34	47.9%
Labour	34	47.9%
Green	2	2.8%
Liberal Democratic	1	1.4%

- 3.7 Given each of the scrutiny sub-committees have between 6 to 8 Members to be appointed (not including co-optees) and the political balance of the Council, it would mean that these seats are split equally between the two largest political groups on the Council, namely Conservative and Labour.
- 3.8 Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the Members and reserves, including appointing Chairs and Vice-Chairs, to the Scrutiny Sub-Committees as set out in appendix 1.

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The law does allow councils to depart from the political balance rules but only if notice of proposals to adopt alternative arrangements is given in the summons to attend the meeting and, at the meeting, no member votes against them. No such notice is included in the summons to this meeting and therefore that option is not available to Members.

## **5 CONSULTATION**

- 5.1 Political group leads have been approached in advance of the meeting to consult on the proposal to waive the requirement for political balance in making appointments to the Scrutiny Sub-Committees.

## **6. CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 This report contributes to priority 1: The Council balances its books, listens to residents and delivers good sustainable services.

## **7. APPENDICES**

- 7.1 Appendix 1: Proposed Membership of Scrutiny Sub-Committees