

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Council</b>	
<b>DATE OF DECISION</b>	<b>Wednesday 17 May 2023</b>	
<b>REPORT TITLE:</b>	<b>Political Balance of the Council and Composition of Committees</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Stephen Lawrence-Orumwense</b> <i>Director of Legal Services and Monitoring Officer</i>	
<b>LEAD OFFICER:</b>	<b>Adrian May</b> <b>Interim Head of Democratic Services</b>	
<b>DECISION TAKER:</b>	<b>Council.</b>	
<b>KEY DECISION?</b>	<b>No</b>	N/A
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>	Public
<b>WARDS AFFECTED:</b>	<i>All</i>	

## 1 SUMMARY OF REPORT

- 1.1 This report fulfils the Council's duty to review and determine the representation of different political groups on certain committees at its annual meeting or as soon as practicable thereafter. The subsequent duty to make appointments to those committees, giving effect to the wishes of the political groups allocated the seats, is dealt with in a separate report to be considered by Council at this meeting.

## 2 RECOMMENDATIONS

For the reasons set out in the report Council is recommended to:

- 2.1 Note that the Council is comprised of 34 Labour Group members, 34 Conservative Group members (including the Executive Mayor), two Green Group members, and one Liberal Democrat member; and,
- 2.2 Agree the size of committees and the allocation of seats on committees as set out in this report.

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council has a statutory duty to review and determine the representation of different political groups on certain committees at its annual meeting or as soon as practicable thereafter. This report fulfils that duty for the municipal year 2023-24.

### 4 BACKGROUND AND DETAILS

- 4.1 The rules on political balance and 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.
- 4.2 The Council is required to review the representation of different political groups on certain committees at, or as soon as practicable, after its annual meeting.
- 4.3 As soon as practicable after the review, the Council then has a duty to determine the allocation to the different political groups all the seats on the relevant committees. 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, as far as possible, replicates the political composition of the Council.
- 4.4 The rules are that seats on relevant 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 (see **Table** below) have to be taken together and then allocated proportionately to each political group so far as is possible.
  - (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.

- 4.5** Following the elections on 5 May 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 and one Liberal Democrat member. There have also been two by-elections since the May 2022 elections; both were won by Conservative group members.
- 4.6** The political balance calculations for the purposes of the Annual Council Meeting are therefore based on 71 Members (70 Councillors plus the Executive Mayor).
- 4.7** The Constitution, as changed with the approval of Full Council in March 2022, states that the Executive Mayor: “if a member of a political group will be taken into account when calculating seat allocations on Committees and Sub-Committees of which they are a member ...”.
- 4.8** Accordingly, political balance calculations will be based on the following split:
- Labour:           34/71 = 47.9%
- Conservative: 34/71 = 47.9%
- Green: 2/71 = 2.8%
- Liberal Democrat: 1/71 = 1.4%
- 4.9** Principle (c) refers to “ordinary committees” which, under the 1989 Act, means those committees appointed under Section 102(1)(a) of the Local Government Act 1972. These committees are listed in the **Table** below as well as proposed committee sizes and seat allocations. Provided that the prescribed number of seats are allocated based on statutory entitlement, ultimately, it is for Members to decide which political group is allocated seats on which particular committee:

Committee	Size	Lab 47.9%	Cons 47.9%	Green 2.8%	Lib Dem 1.4%
Appointments and Disciplinary	6	3	3		
Appeals *	6	3	3		
Audit and Governance**	7	3	3		1
Ethics	6	2	3	1	
General Purposes	8	4	4		
Licensing	12	6	5	1	
Civic Mayoralty and Honorary Freedom Selection	6	3	3		
Pension****	8	4	4		
Planning	10	5	5		
<b>TOTAL</b>	<b>69</b>	<b>33</b> (47.92)	<b>33</b> (47.9)	<b>2</b> (2.89)	<b>1</b> (1.44)

\* Members who shall not be members of Appointments and Disciplinary Committee but **must** include at least one member of the Executive.

\*\* Membership includes one independent, suitably qualified Chair who may not be a member or officer of the Council. The membership also comprises one independent, suitably qualified co-optee.

\*\*\* Membership includes one Staff Side non-voting co-opted member and two Pensioner Side co-opted Members (one voting co-opted member and one non-voting co-opted member).

**4.10** The Licensing Committee is included because it is established as an ordinary committee of the Council and, at the same time, as the Council's mandatory committee under the Licensing Act 2003. In other words, it is a hybrid committee which discharges all the Council's licensing functions at Member level.

**4.11** Applying the political balance rules, the 3 political groups of the Council are entitled to 67 of the ordinary 68 seats and the remaining seat has to be given to the Liberal Democratic Member under section 16(2A) of the 1989 Act as amended by the

regulations already referred to.

- 4.12** Principles (a), (b) and (d) apply to a “body” to which the Council makes appointments. The 1989 Act provides that the bodies to which this principle applies include ordinary committees (see **Table** above), ordinary sub- committees, advisory committees and sub-committees and certain joint committees where at least 3 seats are filled by appointments made by the Council.
- 4.13** Principle (c) does not apply to the Scrutiny and Overview Committee but the other principles do which means that the Labour and Conservative groups are entitled to an allocation of 3 seats each. This reflects the membership of the Council so far as is possible based on the size of the committee.
- 4.14** As soon as possible after Full Council has changed the membership of committees following a review of the representation of different political groups on committees (as set out above), committees which have sub-committees are required in turn to review political balance, allocate seats and make appointments in accordance with the wishes of political groups in respect of their own sub-committees.
- 4.15** In the past, the allocation of seats and appointment of Members to the sub-committees of the Scrutiny and Overview Committee has been dealt with at the Annual Council Meeting itself. Technically, this must be done at a meeting of the Scrutiny and Overview Committee. This year, on the rise of Annual Council, a short single item meeting of the Scrutiny and Overview Committee will be arranged so that it can fulfil its statutory political balance duties.
- 4.16** The political balance rules do not apply to the Health and Well-being Board.
- 4.17** The Local Pension Board is constituted under the Public Service Pensions Act 2013 and the Local Government Pensions Scheme (Amendment) Regulations 2015. It is not a committee of the Council and the proportionality rules do not apply to the Board which has three employer representatives and three employee representatives and an Independent non-voting Chair. One of the Employer representatives is a Councillor. The other employer representatives are employers who are Admitted Bodies.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1** 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.

## **6 CONSULTATION**

- 6.1** Political Group leads have been approached in advance of this meeting to ensure arrangements are made in accordance with the rules of political balance.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1** This report contributes to priority 4: Ensure good governance is embedded and adopt best practice.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

**8.1.1** There are no financial implications in this report.

**8.1.2** Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 09/05/23

### **8.2 LEGAL IMPLICATIONS**

**8.2.1** The law relevant to the decisions to be made by Members is explained and applied in the body of report. By sections 101 and 102 of the Local Government Act 1972 the Council has the power to arrange for its functions to be discharged in a number of different ways. These include by appointing committees.

**8.2.2** Comments approved by Looqman Desai, Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer. (Date 24/04/2023)

### **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** Whilst political parties are not bound by law to implement the Public Sector Equality Duty, the underlying principle of the Equality Act 2010 is that everyone should be treated fairly and has opportunities to fulfil his or her full potential. However, by virtue of providing leadership in the provision of Public Sector Services, members appointed to Local Government committees are bound by the requirements of the Public Sector Equality Duty.

**8.3.2** As a public body, the Council is required to comply with the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010. The PSED requires the

Council to have due regard to the need to eliminate discrimination, harassment or victimisation and advance equality of opportunity and foster good relations between different people when carrying out their activities and functions.

- 8.3.3** The Equality Act 2010 can help increase diversity and improve participation in the democratic institutions. By fully reflecting the people they serve and the society in which they live, political parties can be more inclusive and make decisions that work for everyone.

John Mukungunugwa, Equalities Officer on behalf of Denise McCausland the Equalities Programme Manager . (Date: 04/05/2023)

## **8.4 HR IMPLICATIONS**

- 8.4.1** There are no immediate HR implications arising from the content of this report.

- 8.4.2** Comments approved by Gillian Bevan, Head of HR Resources and Assistant Chief Executives Directorates on behalf of the Chief People Officer. (Date: 2/5/23)

## **9. APPENDICES**

- 9.1** None.

## **10. BACKGROUND DOCUMENTS**

- 10.1** None.

## **11. URGENCY**

- 11.1** None.