

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 JULY 2022</b>
<b>SUBJECT:</b>	<b>PLANNING SUB-COMMITTEE – POLITICAL BALANCE REVIEW AND APPOINTMENTS</b>
<b>LEAD OFFICER:</b>	<b>STEPHEN LAWRENCE-ORUMWENSE, DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER</b>
<b>Lead Member:</b>	<b>COUNCILLOR MICHAEL NEAL, CHAIR OF PLANNING COMMITTEE</b>
<b>WARDS:</b>	<i>All</i>
<b>PUBLIC/EXEMPT:</b>	Public

#### **SUMMARY OF REPORT:**

This report fulfils the Committee's duty to review political balance, allocate seats and make appointments, in accordance with the wishes of the political groups, in respect of the Planning Sub-Committee.

#### **RECOMMENDATIONS:**

For the reasons set out in this report, the Committee is recommended to;

1. Review the representation of different political groups on the Planning Sub-Committee.
2. Agree to increase the size of the Planning Sub-committee from 5 to 6 seats.
3. Agree the allocation of seats on the Planning Sub-Committee, by applying the political balance rules, to the Conservative and Labour groups as set out in paragraph 2.10 of this report.
4. Appoint to the Planning Sub-Committee, in accordance with the wishes of the relevant political group, the 6 Members and 6 substitutes as set out in paragraph 2.13 of this report.
5. Note that the Planning Sub-Committee will appoint a Chair, Deputy-Chair (who will deputise in the absence of the Chair) and Vice-Chair when it next meets consistent with the arrangements agreed at the Annual Council Meeting for this Committee.

## **1. BACKGROUND**

- 1.1 At the Annual Council meeting on 25 May 2022, Council fulfilled its duty to review the representation of different political groups on certain committees. Thereafter, it determined the allocation of seats and made appointments to those committees, giving effect to the wishes of the political groups allocated the seats.
- 1.2 Following the election of Councillor Danielle Denton to the South Croydon ward, at the meeting of Council on 25 July 2022, there was another review of the political balance of the Council and consequential allocations and appointments were made.
- 1.3 This report fulfils the Committee's duty to review political balance, allocate seats and, in accordance with the wishes of the political groups, make appointments in respect of the Planning Sub-Committee.

## **2. POLITICAL BALANCE AND APPOINTMENTS**

- 2.1 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.
- 2.2 The Committee is required to review the representation of different political groups on its sub-committee 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-committee.
- 2.3 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.
- 2.4 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.

2.5 Following the by-election on 30 June 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.

2.6 Including the Mayor, the total membership of the Council is 71 which means that, for the purposes 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%

2.7 Under current arrangements, the Planning Sub-Committee consist of 5 Members drawn from the membership of the Planning Committee.

2.8 Clearly, as the Conservative and Labour groups have equality of Members, it is not possible to achieve proportionality or fairness without an even number of seats on the Planning Sub-Committee. Accordingly, it is proposed that the Committee increase the size of the Planning Sub-Committee to 6 Members.

2.9 Incidentally, Part 4.F 'Non-Executive Committee Procedure Rules' of the Constitution states that no business shall be considered at a meeting of a Committee or Sub-Committee unless there are present either one third of the membership of the Committee or Sub-Committee or 3 members, whichever figure is the greater. The quorum for the Planning Sub-Committee is therefore 3 Members and is not affected.

- 2.10 As set out in the table below, applying the political balance rules, only the Conservative and Labour groups are entitled to be allocated seats on the Planning Sub-Committee:

	<b>Size</b>	<b>Lab (47.9%)</b>	<b>Cons (47.9%)</b>	<b>Green (2.8%)</b>	<b>Lib Dem (1.4%)</b>
Planning Sub-Committee	6	2.87	2.87	0.17	0.08
Total Seats	6	3	3	0	0

- 2.11 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.
- 2.12 Following the allocation of seats, the Committee has to make appointments to the Planning Sub-Committee, giving effect to the respective wishes of the Conservative and Labour groups.
- 2.13 Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the following Members and substitutes to the Planning Sub-Committee:

	<b>Conservative</b>	<b>Labour</b>
<b>Members of the Planning Sub-Committee</b>	Cllr Michael Neal	Cllr Leila Ben Hassel
	Cllr Ian Parker	Cllr Ellily Ponnuthurai
	Cllr Joseph Lee	Cllr Sean Fitzsimons
<b>Substitute Members of the Planning Sub-Committee</b>	Cllr Holly Ramsey	Cllr Humayun Kabir
	Cllr Nikhil Sherine Thampi	Cllr Clive Fraser
	Cllr Mark Johnson	Cllr Chris Clark

- 2.14 Finally, the Committee is asked to note that the Planning Sub-Committee will appoint a Chair, Deputy-Chair (who will deputise in the absence of the Chair) and Vice-Chair when it next meets consistent

with the arrangements agreed at the Annual Council meeting for this Committee.

**3. CONSULTATION**

3.1. Not applicable.

**4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

4.1. There are no identified financial implications.

**5. LEGAL CONSIDERATIONS**

5.1. The law relevant to the decisions to be made by Members is explained and applied in the body of the report.

5.2. Approved by Looqman Desai, Deputy Monitoring Officer, on behalf of the Director of Legal Services and Monitoring Officer

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**CONTACT OFFICER:**

Adrian May, Interim Head of Democratic Services, [adrian.may@croydon.gov.uk](mailto:adrian.may@croydon.gov.uk)

**APPENDICES TO THIS REPORT**

None

**BACKGROUND DOCUMENTS:**

None