

Allocation of seats to Committees and Sub-Committees for 2021/22

Full Council Thursday, 27 May 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

This report has been prepared to enable the Council to appoint its Committees and Sub-Committees for the forthcoming municipal year, including the allocation of seats in accordance with political balance requirements.

The report also proposes two associated amendments to the Constitution, namely adjustments to the call-in process (given the suggested increase in the size of the Audit & Scrutiny Committee) and Standing Order 46 concerning the requirement for officers to consult with political groups on certain matters.

This report supports the Council's priority of: Building a better Council

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Recommendations to Council:

- A. the Council's Committees for 2021/22, and the number of seats allocated to each Committee, be as per the tables in paragraphs 3.4 (ordinary committees) and 3.6 (Licensing Committee);
- B. the Council's Sub-Committees for 2021/22, and the number of seats allocated to each Sub-Committee, be as per the table in paragraph 4.1;
- C. one chair and vice-chair be appointed by each Committee and Sub-Committee for 2021/22;

- D. the number of Councillors on the Audit & Scrutiny Committee who can, collectively, trigger the call-in process be increased from three to five Councillors and that paragraph 4.1 of the Council's call-in procedure be amended accordingly; and
- E. Standing Order 46 (Requirements for Officers to consult with Members) be amended to require officers to undertake relevant consultation with political groups comprising eight (as opposed to ten) or more Councillors, i.e.:

“Throughout Financial Regulations, the Scheme of Delegation and the Planning Protocol (parts C, E and F of the Constitution) requirements for officers having to consult Members shall be interpreted as follows:

- (i) *if the Council is in a state of no overall control (i.e. where no single political group or a coalition of groups has an absolute majority of seats) such consultation shall be with the Leaders, or their nominated representatives, of political groups comprising ~~ten~~ **eight** or more Councillors; or*
- (ii) *if a single political group or a coalition of groups forming the Administration has an absolute majority of seats, such consultation shall be solely with the Leader(s) of the Council or his / her / their nominated representative(s).*

Reason for recommendations:

The Council is required to determine its Committees and Sub-Committees for the forthcoming municipal year, together with the allocation of seats to political groups in accordance with relevant legislation.

Following consultation with Group Leaders, it is not deemed necessary to continue last year's practice of appointing a second vice-chair for each committee.

The change to the Council's call-in procedure is being recommended so that no single political group can trigger the process.

Given the current political balance of the Council, it is considered appropriate to require officers to consult the three largest political groups on key matters referred to within the constitution. The process for such consultation is governed by Standing Order 46 which currently identifies political groups comprising ten or more Councillors as those having to be consulted (when, as at present, the Council is in a state of no overall control).

Introduction and background

- 1 The Council is required to review its political composition and how this relates to appointments to Committees and Sub-Committees. Standing Order 14 states that, *“the Council shall, at the Annual Meeting, appoint Committees which it is deemed necessary to appoint”*.

- 2 The Council currently has eight Committees and four Sub-Committees, identified within the Constitution as follows:

Policy Committees:

- Community Services
 - Regulatory Sub-Committee
- Housing
- Planning Policy
- Strategy & Resources
 - Chief Officer Sub-Committee
 - Investment Sub-Committee

Regulatory / Statutory / Other Committees:

- Licensing
 - Licensing Sub-Committee
- Planning
- Standards
- Audit & Scrutiny

3. Political balance requirements of the Local Government & Housing Act 1989

- 3.1 As a result of the 2021 District elections, the political composition of the Council is as follows:

Political Groups	No of Councillors	% of available Committee seats which the Council should aim to allocate (No. of Cllrs in previous col. ÷ 41) x 100 rounded to nearest percentage point
Independents and OLRG Alliance	16	39%
Conservatives	14	34%
Liberal Democrats	9	22%
Independent Group	2	5%

- 3.2 There is one vacant seat for the Felbridge Ward, to be filled following a by-election on the 17th June 2021.

3.3 Section 15 of the Act deals with the duty to allocate seats on Committees to political groups. Such allocations, so far as is reasonably practicable, must be made in accordance with the following four principles:

- (a) not all the seats on an ordinary Committee should be allocated to the same political group;
- (b) a political group with an overall council majority should receive a majority of the allocated seats;
- (c) subject to (a) and (b) above, the number of seats on the total of all the ordinary Committees allocated to each political group should bear the same proportion as that for the full Council; and
- (d) subject to (a) to (c) above, the number of seats on each ordinary Committee allocated to each political group should bear the same proportion as that for the full Council.

3.4 The statutory duty to allocate seats to political groups applies to so called 'ordinary committees' as defined by the Local Government & Housing Act 1989 (the Licensing Committees does not fall within this category – paragraph 3.6 refers). Applying these rules, and following consultation with Group Leaders, the table below sets out a proposed allocation of seats:

'Ordinary' Committees:	Political Groups:				Total membership:
	Independents and OLRG Alliance	Conservatives	Liberal Democrats	Independent Group	
Community Services	4	4	3	1	12
Housing	5	4	2	1	12
Planning Policy	4	4	3	0	11
Strategy & Resources	5	4	2	1	12
Planning	5	4	3	0	12
Standards	3	3	1	0	7
Audit & Scrutiny	4	3	2	1	10
Total seats on 'Ordinary' Committees	30	26	16	4	76

3.5 The 'target' and 'actual' percentage distribution of the 76 committee seats is shown below:

Target distribution:			
IOLRGA	Con	Lib Dem	IG
39%	34.1%	22%	4.9%

Actual distribution:			
IOLRGA	Con	Lib Dem	IG
39.5%	34.2%	21.1%	5.3%

3.6 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. Although there is no statutory obligation for this Committee to be politically balanced, this principle has voluntarily been applied in allocating the seats at the annual Council meetings. The proposed allocation of seats to this Committees is as follows:

Licensing Committee seats		
IOLRGA	Con	Lib Dem
4	4	2

4. Sub-Committees

4.1 Sub-Committees have not formed part of the calculations referred to in 3.3 above and the following allocation of seats is proposed:

Sub-Committees	Political Groups				Total membership
	IOLRGA	Con	Lib Dem	Independent Group	
Chief Officer	2	2	1	0	5
Investment	2	2	1	0	5
Licensing*	1	1	1	0	3
Regulatory**	1	1	1	0	3
Totals	6	6	4	0	16

**Licensing Sub-Committees conduct hearings regarding proposals to grant, vary or revoke licenses for alcohol & entertainment or gambling activities. By convention, they comprise three principal members. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the main Licensing Committee.*

***Regulatory Sub-Committees conduct hearings regarding proposals to grant or revoke licenses for purposes other than alcohol, entertainment or gambling. By convention, they comprise three principal members. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Community Services Committee.*

5. Substitutes

- 5.1 Standing Order 22 states that, "Every Political Group may appoint a substitute Member for each Committee and Sub-Committee...".
- 5.2 Group Leaders are therefore asked to make such appointments. The nominees can be replaced for specific meetings if necessary, subject to democratic services staff being notified at least 7 clear working days in advance.

6. Membership of Committees and Sub-Committees

Group Leaders have been contacted and have been asked to provide the names of members that they wish to nominate to sit on the Council's Committees and Sub-Committees in accordance with their allocations. This information will be circulated prior to the meeting.

7. Vice Chairs

Following consultation with Group Leaders, it is proposed that each Committee should appoint a Chair and just one Vice-Chair (as opposed to appointing two Vice-Chairs which was adopted part way through the previous municipal year).

8. Call-in process

- 8.1 At present, any three members of the Audit & Scrutiny Committee can ask for a recent decision made by a Policy Committee / Sub-Committee (which has not been implemented) to be 'called-in' for further consideration. The process is detailed within Part F of the constitution and a copy is provided at Appendix A.
- 8.2 The 'three Member' requirement has always been in the context of the Audit & Scrutiny Committee (and its predecessor 'Overview & Scrutiny Committee) being limited to seven or fewer Councillors and the fact that no single opposition group could trigger the process. Given the proposed increase in the size of the Committee to nine, it is now considered

appropriate to increase the number of Councillors required to exercise call-in to five.

9. Standing Order 46 – requirements for Officers to consult with Members

9.1 As referred to in Recommendation E above, it is proposed that, given the current political balance of the Council, Officers should now be required to consult with political groups comprising eight or more (as opposed to ten or more) Councillors.

10. Felbridge by-election on 17th June 2021 / political balance

10.1 A further review of the allocation of committee seats (to political groups) will be undertaken following this by-election and a report on that matter will be submitted to the Full Council meeting on 22nd July 2021.

Key implications

Comments of the Chief Finance Officer

There are no financial implications associated with this report.

Comments of the Head of Legal Services

Section 15 of the Local Government and Housing Act 1989('the Act') places a duty on the Council to review the representation of political groups on its committee where the members of the Committees are split into different political groups.

The Act requires that the Council should allocate seats on committees in accordance with the principles set out in section 3 of this report.

Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to Committees to give effect to the nominations of the political groups concerned.

There is no legal requirement for the Chairs or Vice Chairs of any committee to be reserved for Members of any particular group.

Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.

Equality

There are no equality implications associated with this report.

Climate change

There are no climate change implications associated with this report.

Appendices

Appendix A – current procedure for the call-in of Policy Committee decisions by the Audit & Scrutiny Committee (contained within Part F of the Constitution).

Background papers

None

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