

COUNCIL		
Report Title	Allocation of Seats to Political Groups on the Council	
Key Decision		Item No.
Ward		
Contributors	Chief Executive (Head of Business & Committee) & Head of Law	
Class	Part 1	Date: March 30 2016

1. Summary

This report sets out a proposed allocation of seats on committees to political groups on the Council and asks the Council to agree to that proposal.

2. Purpose

The purpose of this report is to comply with the Local Government and Housing Act 1989, which requires the allocation of seats on committees in accordance with the level of representation of political groups on the Council as a whole.

3. Background

Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political groups on its committees where the members of the Council are split into different political groups. A council is deemed to be split into different political groups where there is at least one such group on the Council. There is a particular duty to conduct this review at the Annual General Meeting or as soon as practicable after that.

The Act requires that when it reviews membership of its committees, the Council is under a duty to determine the allocation to the different political groups into which the members are divided, in accordance with principles which are set out in the Act those principles are:-

- That not all the seats are allocated to the same group.
- That the majority of the seats are allocated to the group which has the majority of seats on the Council.
- Subject to the 2 principles above, the number of seats *on the total* of all the ordinary committees allocated to each political group bears the same proportion to the proportion on full Council.

- Subject to the 3 principles above, the number of seats *on each* committee of the authority allocated to each group bears the same proportion to the proportion on full Council.

However, a political group can only be properly established under the Local Government (Committees and Political Groups) Regulations 1990 if at least 2 members give notice to the Proper Officer that they wish to be treated as a political group. As there is only 1 Green Party member on the Council, he does not constitute a group and, though the statutory language may be a little confusing, legal advice is that that member is not entitled by law to the allocation of seats on committees. That said, in the opinion of the Head of Law, in the event of a challenge to a Council decision, a Court would look unsympathetically on a Council that did not allocate any seats to the only member of the Council outside the majority party.

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

These political balance requirements also apply to the Overview and Scrutiny Committee and its sub committees (select committees and business panels).

The Act also provides that the Council can make arrangements other than those complying with the political balance requirements if those arrangements are approved without any member of the authority voting against them.

Following the Local Government and Public Involvement in Health Act 2007, Leading Counsel advised that an elected Mayor did not qualify as a member for the purpose of (inter alia) the allocation of seats on Council decision making bodies. That situation was reversed by implementation of the Localism Act 2011 and the Mayor is now included in the majority party number for the purposes of seat allocation. Amendments to the Council Constitution agreed by Council in September 2014 reflect this.

4. Proposed arrangements

The table attached at Appendix 1 shows the proposals for the Council's ordinary Committees. The Proper Officer received written confirmation from the Labour Party regarding its group membership and can confirm that only the Labour Party continues to have the required minimum number of Councillors to sustain a political group.

Lewisham's Constitution provides that the Council will appoint one overview and scrutiny committee consisting of all members of the Council who are not members of the Executive provided that this composition complies with the political balance requirements of the Local Government and Housing Act 1989. If that is not possible or if there is not unanimous agreement at the Annual General Meeting to such arrangements in any year, Article 6 provides that the Council will decide on the composition of the Committee so as to give the widest possible membership to the committee, but excluding members of the Executive. As the Mayor has invited 9 Labour councillors to

serve with him in the Cabinet, there would be 45 members of the Overview and Scrutiny Committee as follows:-

Labour	44
Green	1

The select committees, which are effectively sub committees of the main Overview and Scrutiny Committee under the Constitution, have to have between 7 and 11 members. In the last municipal year there were six select committees with 10 members each.

5. Constitution Working Party

The Constitution provides that this should consist of one representative of each political group and six or the smallest number higher, of councillors required to ensure the political composition of the Council is reflected.

6. Appointments Committee

The Constitution provides that this should consist of the Chair of Overview & Scrutiny, and two such executive members as the Mayor, as Leader of the largest political group, may nominate on a meeting by meeting basis, and two or the smallest higher number of non-executive members required to ensure that the political composition of the Council is reflected.

7. Council Urgency Committee

The Constitution provides that this should consist of the Chair of Council, the Deputy Mayor, one member of the Executive other than the Mayor, the Chair of the Overview and Scrutiny Committee and 2, or the smallest number higher of Councillors required to ensure the political balance of the Council is reflected.

8. Other Committees

In addition to the bodies referred to above, Article 9 of the Constitution also provides for the establishment of 3 Planning Committees, a Strategic Planning Committee, a Licensing Committee, a Licensing (Supplementary) Committee, a Pensions Investment Committee, a Health & Safety Committee, an Elections Committee, a Health and Wellbeing Board and an Audit Panel with the Terms of Reference set out in that Article. No changes to the composition or Terms of Reference are proposed.

9. Chairs of Overview and Scrutiny Select Committees

The Constitution provides in Paragraph 8 of Section E Overview & Scrutiny Procedure Rules that the Chairs and Vice Chairs of the Overview & Scrutiny Select Committees will be allocated in accordance with the proportion of seats held by the political groups on the Council.

10. Legal Implications

The legal implications are contained in the body of the report. The political balance requirements of the Local Government and Housing Act 1989 do not apply to the Mayor and Cabinet. There is no legal requirement for the Chairs or Vice Chairs of any committee to be reserved for members of any particular group,. Any such requirement would be a constitutional and not a statutory provision..

11. Financial implications

There are no specific implications arising from this report

12. Recommendations

Members are asked to:

- (i) approve the proposals in this report in relation to the allocation of seats on ordinary committees as shown in Appendix 1;
- (ii) agree the size of, and allocation of seats on the overview and scrutiny committee and its select committees;
- (iii) agree the composition of the Constitution Working Party,
- (iv) agree the composition of the Appointments Committee;
- (v) agree the composition of the Council Urgency Committee