

Executive Summary and Recommendations

Title of Report: Constitutional Issues Review of Proportionality of
Committee Seats

Date: 21 October 2008

Summary of this Report

1. At the Annual Council meeting on 14 May 2008, the allocation of seats to the political groups was reviewed in accordance with the proportionality rules, except in relation to the Licensing Committee and the Standards Committee where the proportionality is determined by the Council.
2. Following the Church Street Ward by-election, held on 24 July 2008, at which Councillor Mehruz Ahmed was elected, the Conservative and Labour groups subsequently held, respectively 49 and 11 of the total of 60 Council seats. The proportion by which seats on Committees should become allocated is 81.66% Majority Group and 18.33% Minority Group.
3. The Chief Whip of the Majority Group has indicated that an increase in the membership of the Crime and Disorder Policy and Scrutiny Committee would assist that committee in carrying out its work programme. Accordingly, it is proposed to increase the membership by two Members and this proposal is reflected in this review. The opportunity is also taken to increase membership of the other Policy and Scrutiny Committees by one Member on each and therefore to increase the overall number of committee seats to 80.
4. The proportionality reflected in recommendation 2.1 below has been based on 60 Council seats. However, when this report is considered by the General Purposes Committee the Council will only have 59 members, pending the Lancaster Gate ward by-election on 23 October at which the vacancy is due to be filled. As the review of proportionality is a decision of the full Council it is proposed that, in the event of the result of the Lancaster Gate by-election changing the proportionality from that prior to the vacancy, the Chairman of the General Purposes Committee will move a tabled amended recommendation at the Council meeting on 29 October to reflect the change.

Recommendations

- 2.1 That the Council be recommended to determine the allocation of places on the following Standing Committees:

Committee	Proportionality		
	Members	Cons	Labour
Audit and Performance	5	4	1
General Purposes	10	8	2
Westminster Scrutiny Commission	6	5	1
Children's Services Policy & Scrutiny	10	8	2
Crime and Disorder P&S	7	6	1
Built Environment P&S	10	8	2
Health and Community Services P&S	10	8	2
Resources and Corporate Services P&S	10	8	2
Planning and City Development	6	5	1
Superannuation Investments	6	5	1
	80	65	15

- 2.2 That the Council note that the additional Members to be appointed to the Policy and Scrutiny Committees will be appointed by the Director of Legal and Administrative Services following notification received under the Local Government (Committee and Political Groups) Regulations 1990.



City of Westminster

General Purposes Committee Report

Item No:

Date:

21 October 2008

Classification:

For General Release

Title of Report:

~~Constitutional Issues~~ Review of Proportionality of
Committee Seats

Report of:

Director of Legal and Administrative Services

Wards involved:

Not applicable

Policy context:

Management of the Council

Financial summary:

None

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3. Background Information

- 3.1 The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review annually and in certain other circumstances the representation of the political groups on their Committees and Sub-Committees to ensure a political balance. Following the Church Street by-election on 24 July 2008 a notice has been received in accordance with the relevant regulations requesting that a further review be carried out.
- 3.2 Following the Church Street by-election on 24 July the Conservative and Labour Groups held, respectively 49 and 11 of the total of 60 Council seats. The proportion by which seats on Committees should be allocated became 81.66% Majority group and 18.33% Minority group. On the assumption that the recommendation to increase the membership of the Policy Scrutiny Committees (reflected in recommendation 2.1 above) is approved, the 80 committee seats with rounding equates to 65 Majority Party and 15 Minority Party.
- 3.3 Membership of the Council's Standing Committees (except the Licensing Committee/Sub-Committees and the Standards Committees/Sub-Committees) and Sub-Committees is governed by Standing Order 28 which, in accordance with the Local Government (Committees and Political Groups) Regulations 1990, as amended, provides for Members of Standing Committees and Sub-Committees to be those whose names have been notified to the Director of Legal and Administrative Services, who is the duly appointed proper officer for these purposes. The Director of Legal and Administrative Services has delegated power to appoint all Standing Committees (except the Licensing and Standards Committees) and their Sub-Committees in accordance with any notification received under the Regulations.

4. Legal Implications

- 4.1 The Council is required to carry out a review of the representation of different political groups at least annually in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. This review was carried out at the Annual Council meeting on 14 May 2008.
- 4.2 Regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990 requires that a review of the allocation of seats on committees to political groups is undertaken as soon as practicable when a request is made within the appropriate timescales to review such allocation. The Director of Legal and Administrative Services received the appropriate notification, in accordance with the Regulation 17(d), asking for a further review.
- 4.3 Section 15 of the Local Government and Housing Act 1989 requires the following principles to be applied in determining the allocation of committee seats to political groups:
- a) that not all the seats on the body are allocated to the same political group
 - 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 authority's membership
 - c) subject to paragraphs a) and b) above, that the number of seats on the ordinary committees of an authority which are allocated to each political group bears the same proportion to the total of all seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - d) subject to paragraphs a) to c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

If you have any queries about this report or wish to inspect any of the background papers please contact Mick Steward on 020 7641 3134;
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Background Papers

- Constitution
- Notice received seeking a review