



City of Westminster

Annual Council Report

Date:	21 April 2021
Classification:	For General Release
Title:	Constitutional Matters
Report of:	Chief Executive and Director of Law
Wards Involved:	Not applicable
Policy Context:	Management of the Council
Financial Summary:	None
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1. Summary

- 1.1 The Council is required to confirm the proportional division of seats on the Standing Committees and to note the Members appointed to them. The Committees are required to appoint and confirm the proportional division of seats on their Sub-Committees and subsidiary bodies, and to note the Members appointed to them. The Committees will meet on the rising of the Annual Council Meeting to do this and, if necessary, but with the exception of the Council's Policy and Scrutiny Committees, appoint their Chairmen.
- 1.2 The Leader of the Council is responsible for the appointment of Cabinet Members and for the allocation of duties (terms of reference). The Cabinet Members as appointed by the Leader and their terms of reference are unchanged and these are set out in the Council's [Constitution](#). The Leader of the Council has indicated that for the purposes of this report there are no changes to the Cabinet.
- 1.3 The Joint Committees are detailed in Chapter 3 Section 17 of the Constitution.

2. Recommendations

- 2.1 That the Standing Committees be established as listed in 2.2 below.
- 2.2 That the Council confirm the proportional division of seats on the Standing Committees as set out below:

Committee	Members	Proportionality	
		Con	Labour
Audit and Performance	4	3	1
General Purposes	4	3	1
Westminster Scrutiny Commission	6	4	2
Adult's & Public Health Services P&S	8	5	3
Communities, Regeneration & Housing P&S	8	5	3
Finance, Smart City & City Management P&S	8	5	3
Business and Children's P&S	8	5	3
Standards	6	4	2
Pensions Fund	4	3	1
Planning & City Development	14	9	5
Licensing Committee	15	11	4
	85	57	28

- 2.3 That the Council note the Members appointed to the Standing Committees by the Chief Executive following notification received from the respective party Chief Whip under the Local Government (Committees and Political Groups) Regulations 1990 as amended, set out in Appendix A. The terms of reference for the Standing Committees remains unchanged and can be found in the [Constitution](#).

3. Background

- 3.1 The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically the representation of the political groups on their Committees and Sub-Committees to ensure a political balance.
- 3.2 The following principles apply to the allocation of seats:
- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) That the majority of seats on each Committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;

- (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council must reflect their proportion of the authority's membership; and
 - (d) Subject to (a) to (c), that the number of seats on each committee is, as far as possible, in proportion to the group's membership of the authority.
- 3.3 Sub-Committees are also governed by the political balance rules, but it is not necessary to add up all the Sub-Committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each Sub-Committee should reflect the proportional representation of the political groups on the Council.
- 3.4 Following the City Council Elections on 3 May 2018 the Conservative and Labour Groups hold, respectively, 41 and 19 of the total of 60 Council seats. On this basis the proportion by which seats on Committees should be allocated is 68.33% Majority Group and 31.66% Minority Group. It is acknowledged that there is currently a vacant seat in Churchill Ward. It is proposed however to keep the current allocation of committee seats detailed above in paragraph 2.2, which will be reviewed at the next Council meeting if this allocation of Council seats changes following the Churchill Ward by-election on 6 May 2021. Therefore, on the basis of the 85 committee seats proposed, this equates, with rounding, to 57 Majority Party and 28 Minority Party seats. The Chief Executive and the Director of Law have confirmed that this proposed allocation is in accordance with the proportionality rules.
- 3.5 Membership of the Council's Standing Committees and Sub-Committees is governed by Chapter 5, Section 23(1) 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 Chief Executive, who is the duly appointed proper officer for these purposes. The Chief Executive has the delegated power to appoint to all Standing Committees and Sub-Committees in accordance with notifications received from Party officers under the Regulations.
- 3.6 Both political groups on the Council have to notify the Chief Executive of the names of the Members to serve on the Standing Committees, Sub-Committees and subsidiary bodies. It is for the Council to note the Standing Committee memberships as set out in Appendix A to this report and for the Standing Committees, who are scheduled to meet following this Council meeting, to note their Sub-Committee memberships.
- 3.7 Standing Orders permit the Leader of the Council to nominate the Chairmen and Vice-Chairmen (if any) of Committees and the Committee then determines whether or not to appoint the members nominated. The Leader has indicated that there are no intended changes to the existing Chairmen already in post.

- 3.9 The City Council is required to appoint a Licensing Committee in accordance with the Licensing Act 2003. In accordance with the provisions of the Licensing Act the minimum number of Members who can be appointed to the Licensing Committee is 10 and the maximum 15. The Council, as the busiest Licensing authority, has always appointed the maximum.
- 3.10 The responsibility for the delegation of executive functions sits with the Leader who allocates these to the full Cabinet, a Cabinet Committee, a Cabinet Member or an Officer. The Leader of the Council has confirmed that she is content with the Scheme of Delegations for executive functions to Officers as set out in the Constitution. The terms of reference of the [Cabinet, Cabinet Committees and Cabinet Members](#) remain unchanged.
- 3.11 The City Council has a number of Joint Committees established in accordance with Section 101 of the Local Government Act 1972. These are as follows:
- (a) The London Councils Grants Committee
 - (b) The London Councils Transport and Environment Committee
 - (c) The London Councils – Leaders Committee
 - (d) The North West London Joint Health Overview and Scrutiny Committee
- 3.12 The Constitution can be found on the Council's website: www.westminster.gov.uk. Officers have delegated authority to keep the Constitution up-to-date.

4. Financial Implications

- 4.1 There are no financial implications arising from this report as any costs can be met from within the existing budget provision.

5. Legal Implications

- 5.1 The Council is required to carry out a review of seats at least annually in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. These requirements are reflected in this report.

If you have any queries about this report or wish to inspect any of the background papers please contact Reuben Segal on 07890380137; Email: rsegal@westminster.gov.uk

Appendices:

- Appendix A – Memberships of the Standing Committees