

# Annual Council

25 May 2023



<b>Title</b>	Changes to the Allocation of Seats for Committees
<b>Purpose of the report</b>	To make a decision
<b>Report Authors</b>	Farida Hussain, Group Head of Corporate Governance Karen Wyeth, Principal Committee Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	
<b>Corporate Priority</b>	This item is not in the current list of Corporate Priorities but still requires a Council decision as it is a statutory requirement.
<b>Recommendations</b>	<b>Council is asked to approve:-</b>  <b>1. the proposed allocation of seats to parties in this report at Appendix 2 including one additional seat on each of Corporate Policy &amp; Resources, Environment &amp; Sustainability, and Planning Committees; and</b>  <b>2. delegation to the Group Head of Corporate Governance to make the necessary changes to the Constitution to reflect the increased sizes of committees as shown at Appendix 2.</b>
<b>Reason for Recommendation</b>	<b>To allocate seats to the Council's committees in accordance with the principles set out in the Local Government and Housing Act 1989.</b>

## 1. Summary of the report

1.1 This report seeks to outline a proposal to increase the number of seats on each of the following committees by 1 additional seat:-

1. Corporate Policy & Resources
2. Environment & Sustainability
3. Planning

## **2. Key issues**

- 2.1 The seats on the Council's committees should be allocated in accordance with the principles set out in the Local Government and Housing Act 1989 to the political groups amongst the Members of the Council so far as it is reasonably practicable. The principles, which are paraphrased, are in the order of priority:-
- a) All the seats on the Committee cannot be allocated to the same political group;
  - b) the majority of the seats allocated on any body, including each Committee are allocated to the group, if any, which has a majority on the Council;
  - c) the number of seats on the total of all Committees allocated to each political group bear the same proportion as the proportion the members of that group has to the members of the entire Council; and
  - d) the number of seats on each Committee allocated to each group bear the same proportion as the proportion the members of that group has to the total members of the entire Council.

The legislation provides that such determinations are to be achieved 'as far as reasonably practicable'.

- 2.2 The Council's Constitution Standing Order 8.3 (b) requires Council to decide the size and terms of reference for committees which have been established for the municipal year at the Annual Council meeting.

Following the all out borough elections held on the 4th May 2023 all 39 seats have been elected and therefore proportionality must be re-calculated.

- 2.3 The political composition of the Council is outlined below:-

Conservatives	12
Liberal Democrats	10
Independent Spelthorne Group	7
Labour	7
Green Party	2
Independent Green	1

- 2.4 Based on the current number of seats available and taking into account the new political composition of the Council, overall there are 130 seats in total as shown in Appendix 1. Unless the sizes of committees are increased as set out in this report, one political party would have to agree to 'losing' a seat. Audit and Licensing Committees are short of one seat each which could either remain vacant or a seat could be gifted to a member who is not part of any political party to either or both of these committees.

## **3. Options analysis and proposal**

- 3.1 Option 1: Approve the allocation of seats as shown in Appendix 1. This will require a political party to agree to relinquish a seat.

Option 2: Approve the allocation of seats as shown in Appendix 2. This will result in no political party losing a seat.

Option 3: Do nothing. This is not recommended as the Committees will not be able to conduct business if agreement can not be reached as to how seats are to be allocated.

#### **4. Financial implications**

There are no financial implications to this report. Should either Options 1 or 2 be approved by Council, this does not impact the number of Chairs or Vice-Chairs appointments and therefore no additional special responsibility allowances will need to be paid following the Members' Allowances Scheme.

#### **4 Risk considerations**

4.1 Consulted with Punita Talwar on 22 May 2023.

4.2 There is a need to allocate the appointment of Members to seats, in so far as it is reasonably practicable, with regard to the statutory principles set out in the Local Government and Housing Act 1989. Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.

#### **5. Procurement considerations**

5.1 There are no relevant procurement considerations.

#### **6. Legal considerations**

6.1 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 committee where the members of the Committee are split into different political groups.

6.2 The Act requires that the Council should allocate seats on committees in accordance with the principles set out in paragraph 2.1 of this report.

6.3 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.

6.4 The Council's Constitution permits Council to determine the size of committees which are established each municipal year.

#### **7. Other considerations**

7.1 There are none.

#### **8. Equality and Diversity**

8.1 There are no Equality and Diversity implications.

#### **9. Sustainability/Climate Change Implications**

9.1 There are no implications.

#### **10. Timetable for implementation**

10.1 If the recommendations in this report are agreed, the number of seats allocated will take immediate effect.

#### **11. Contact**

11.1 Committee Services [committeeservices@spelthorne.gov.uk](mailto:committeeservices@spelthorne.gov.uk)

**Background papers: There are none.**

**Appendices:**

**Appendix 1: Allocation of seats**

**Appendix 2: Calculations (increased committees)**