

Extraordinary Council

27 March 2024



Title	Changes to the Allocation of Seats for Committees
Purpose of the report	To make a decision
Report Author	Farida Hussain, Group Head of Corporate Governance Karen Wyeth, Principal Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision as it is a statutory requirement.
Recommendations	<p>Council is asked to approve:</p> <ol style="list-style-type: none"> 1. the revised allocation of seats on Committees and 2. the revised allocation of Chairs and Vice-Chairs of Committees following a change in the make-up of the political groups, as set out in Appendix 1.
Reason for Recommendation	To allocate seats to the Council's committees in accordance with the principles set out in the Local Government and Housing Act 1989.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • A revised allocation of committee seats and Chair/Vice Chair positions needs to be agreed following the resignation of a member of the Independent Spelthorne Group who has now affiliated to the Conservative Group. 	<ul style="list-style-type: none"> • To ensure that the Council's committee seats and Chairs/Vice-Chairs positions are allocated in accordance with the principles set out in the Local Government and Housing Act 1989.
This is what we want to do about it	These are the next steps

<ul style="list-style-type: none"> Calculate and agree the revised allocations of committee seats and Chair/Vice-Chairs to take effect from 27 March 2024. 	<ul style="list-style-type: none"> To consider the revised allocation of committee seats and Chair/Vice-Chairs positions and for Council to make a decision.
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1.1 This report seeks to outline the revised proportionality calculations following a member of the Independent Spelthorne Group resigning from the Group and becoming an affiliated member to the Conservative Group.

1.2 The revised calculations will take effect from 28 March and will remain in place until the Annual Council Meeting that is due to be held on 25 May 2024 subject to no further changes to the numbers within each political group being made.

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 the groups 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.

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 any change to the make-up of the political groups a re-calculation of the proportionality figures is required. Any resulting changes to the proportionality figures must be presented to Council and actioned as soon as practicable.

2.3 Following the resignation of a member of the Independent Spelthorne Group and their then affiliation to the Conservative Group it has resulted in the following revised political composition of the Council:

Conservatives	14	(36% of members)
Liberal Democrats	10	(26% of members)
Labour	7	(18% of members)
Independent Spelthorne Group	6	(15% of members)
Green Party	2	(5% of members)

- 2.4 The re-calculation of the proportionality figures resulted in the following revised allocation of Chairs/Vice Chairs positions:

Conservatives	6 (+1)
Liberal Democrats	4
Labour	3
Independent Spelthorne Group	2 (-1)
Green Party	1

The Group Leader of the Independent Spelthorne Group has confirmed that they will be relinquishing the position of Vice Chair of Neighbourhood Services & Enforcement with effect from 27 March 2024 in line with the revised proportionality figures as outlined in Appendix 1 and that the Special Responsibility Allowance payable to Councillor Rutherford will cease from that date.

The Group Leader of the Conservative Group has advised that Councillor Matthew Lee will be taking up the position of Vice Chair of the Neighbourhood Services and Enforcement with effect from 28 March 2024 in line with the revised proportionality figures as outlined in Appendix 1 and that the Special Responsibility Allowance payable to Councillor Lee will commence from that date.

3. Options analysis and proposal

Option 1: Approve the revised allocation of seats and the Chairs/Vice Chairs positions as shown in Appendix 1.

Option 2: Do nothing. This is not recommended as the Committees will be in contravention of Section 15 of the Local Government and Housing Act 1989 and the Council's Constitution.

4. Financial management comments

- 4.1 There may be a financial implication if the member currently filling the Chair/Vice Chair position is in receipt of a Special Responsibility Allowance (SRA) for another committee and the member nominated by the Conservative Group is not, as the Council's Constitution only allows a member to receive one SRA at a time.

5. Risk management comments

There is a need to allocate the appointment of Members to seats, in so far as 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.

6. Procurement comments

- 6.1 There are no relevant procurement considerations.

7. Legal comments

- 7.1 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political group on its committees where the members of the committee are split into different political groups.
- 7.2 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.
- 7.3 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.

8. Other considerations

- 8.1 There are none.

9. Equality and Diversity

- 9.1 There are no Equality and Diversity implications.

10. Sustainability/Climate Change Implications

- 10.1 There are no implications.

11. Timetable for implementation

- 11.1 If the recommendations in this report are agreed, the number of seats allocated and the Chair/Vice-Chair positions will take immediate effect and will apply up to the end of the current municipal year.

12. Contact

- 12.1 Committee Services committeeservices@spelthorne.gov.uk.

Background papers: There are none.

Appendices:

Appendix 1: Revised Allocation of Seats and Chairs/Vice Chairs Positions