

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTING THE COMMITTEES OF THE COUNCIL

- 1 In accordance with the Constitution, the Council appointed its Committees at the Annual Meeting in May. Since then, the political make-up of the Council has changed with three Members leaving the Conservative Group to join UKIP, together with a UKIP councillor being elected in a bye-election, thereby creating a fifth group on the Council.
- 2 This report seeks to address the change in the political make-up of the Council by re-visiting the total number of seats on Committees. It also addresses the sizes of Committees and the proposed allocation of seats in accordance with the Local Government (Committees and Political Groups) Regulations 1990. A brief summary of the legal requirements on political balance and their impact on the present makeup of the Council is set out at Appendix 2. Great detail is provided in Annex C.
- 3 In the event that the Council agrees to slight revisions to the total number of seats and the seat numbers for each committee, the proposal default seat allocation between the parties is set out in Annex A. If the Council decides to keep the current seat numbers for each committee then the default seat allocation will be as in Annex B.
- 4 There are no additional financial implications or risks arising from this report.
- 5 There are no legal, human resources or equalities and social inclusion implications or risks attached to this report.

RECOMMENDATIONS

1. That in the event that the Council agrees to vary the sizes of the Committees listed in Appendix 1 so that the total number of committee seats is 121, the default seat allocation for political balance as is set out in Annex A will apply.
2. If the sizes of the Council's Committees are not amended by Council then the default seat allocation for political balance as set out in Annex B will apply.

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Background Papers List

None

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

Audit Committee

Governance Committee

Adjudication and Review Committee

Appointments Sub-Committee

Licensing Committee

Pensions Committee

Regulatory Services Committee

Standards Committee

Children & Learning Overview & Scrutiny
Committee

Crime & Disorder Committee

Environment Overview & Scrutiny
Committee

Health Overview and Scrutiny Committee

Individuals Overview & Scrutiny
Committee

Towns & Communities Overview &
Scrutiny Committee

Value Overview & Scrutiny Committee

POLITICAL BALANCE

- 1 **The Local Government (Committees and Political Groups) Regulations 1990** require that, so far as practicable, the membership of Committees – both overall, and of individual bodies – must reflect the division of the overall membership of the Council into the various Groups. The Regulations set out the parameters within which such balance is to be achieved.
- 2 The proposed number of 121 committee seats in **Annex A** has been prepared accordingly and is the preferred position.
- 3 **Annex B** is the default position based on the total number of 119 committee seats.
- 4 **Annex C** sets out in detail the principles of political balance that the law requires the Council to conform to, and discusses the application of those rules to the current political make-up of the Council.
- 5 In broad terms, each Group of members is entitled to take seats on Committees in proportion to the total number of Members that belong to it. The Regulations state that each Group must have at least two Members and Members who do not belong to a group of at least this size do not have any entitlement to an allocation of seats. There is discretion as to the size of Committees and thus the total number of places available for allocation, although for reasons of practicality it is necessary to ensure that sufficient Members are available from each Group to cover its meeting obligations. To this end and to reflect the inclusion of an extra Group, the proposed total number of seats is to increase slightly to 121 from 119, with individual Committee sizes varying from 6 Members to a maximum of 15.
- 6 Changes in the sizes of Committees are proposed to Highways Advisory Committee; and to the Crime & Disorder, Environment, Individuals and Value Overview and Scrutiny Committees.
- 7 Within the overall number of seats available, some adjustment is needed to ensure, so far as practicable, that each Group has its due share of seats and that the allocation of seats between the Groups on each Committee reflects their respective proportions of the Council's membership.
- 8 ***There is no perfect answer.***
- 9 The first step is to agree the overall number of seats on Committees, with the sizes of the individual Committees and the allocation of seats to each Group following the formula referred to in Annex C; then finally, adjustments are required to the outcome to ensure that, overall, each

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Group receives its appropriate share of the total number of seats to be allocated.

- 10 Because the Council now has 5 political groupings, a number of default positions are possible within the proposed total number of seats and the number of seats proposed for each committee. Taking account of existing arrangements and member preferences, the proposed default position is set out at Annex A. Some minor variation, principally in the allocation of seats between the 2 smallest groups, is possible and still amount to a legal default position. Should members wish to adopt a different default position that could be agreed by the Council by a simple majority.
- 11 The Council can agree different arrangements from those prescribed by law, i.e. an arrangement that isn't a default position, so long as no Member votes against them. Should any such "different arrangements" receive only one vote against, despite all other Members voting in favour of it, then the "default" position would apply.

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of 121 seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the preferred position.

		CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Governance	13	7	3	1	1	1
Licensing	11	6	2	1	1	1
Regulatory Services	11	6	2	1	1	1
Highways	11	6	2	1	1	1
Adjudication	10	5	2	1	1	1
Pensions	7	4	1	1	0	1
Audit	6	3	1	1	1	0
Children's	9	5	2	1	0	1
Value	9	5	2	1	0	1
Towns	9	5	2	1	1	0
Individuals	7	4	2	1	0	0
Crime	6	3	2	0	1	0
Health	6	3	2	0	0	1
Environment	6	3	2	0	1	0

Seats Allocated **121**

All Groups are represented on the Governance, Highways Advisory, Licensing, Regulatory Services and Adjudication & Review Committees. Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

RECOMMENDED SEAT ALLOCATION (Default position based on allocation of 119 seats)

		CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Governance	13	7	3	1	1	1
Licensing	11	6	2	1	1	1
Regulatory Services	11	6	2	1	1	1
Adjudication	10	5	2	1	1	1
Highways	9	5	2	1	1	0
Pensions	7	4	1	1	0	1
Audit	6	3	1	1	1	0
Children's	9	5	2	1	0	1
Value	9	5	2	1	1	0
Towns	9	5	2	1	1	0
Individuals	7	4	2	1	0	0
Crime	6	3	2	0	1	0
Health	6	3	2	0	0	1
Environment	6	3	2	0	1	0
Seats Allocated	119					

All Groups are represented on the Governance, Licensing, Regulatory Services and Adjudication & Review Committees. Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

POLITICAL BALANCE PRINCIPLES

- 1.1 In allocating seats on Committees to the Groups, the Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. As the current situation at Havering is that one Group (the Conservative Group) has an overall majority but there are several opposition Groups, the relevant principles are, in order of priority:
1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
 2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
 3. The total share of all the seats available for all of the Council main Committees allocated to each political Group must be proportionate to that Group's share of the total Council membership.
 4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group must be proportionate to that Group's share of total Council membership.
- 1.2 Moreover, in determining entitlements to seats, any members who are not in a Group are disregarded, as they are not entitled to a seat on any Committee; but the proportions on which entitlements are calculated must relate to the total number of Councillors.
- 1.3 **In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own.** With the distribution of seats on the Council that results from the election and recent changes in political make-up, it is inevitable (a) that the smaller Groups will not be able to be represented on every Committee, (b) that one Group's representation on some Committees will be at the expense of another's and (c) that, with calculations made as accurately as possible, one or more Groups may have actual seat numbers that differ from their entitlements.
- 1.4 The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.
- 1.5 To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.
- 1.6 Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to

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each Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

- 1.7 The “wishes of the Group” may be communicated to the Chief Executive (or the Committee Administration Manager [CAM] on her behalf) by notice in writing by the Group Leader (or on his/her behalf by a recognised deputy) and will be implemented forthwith. Changes may be effected at any time by notice to the Chief Executive (or CAM) and will be notified to all Members in the next available edition of the weekly Calendar Brief.
- 1.8 It should be noted that the Chairmen and Vice-Chairmen of Committees were appointed by Council and any change in membership affecting a Chairman or Vice-Chairman would therefore require consideration by Council, and be dealt with by formal motion where necessary.
- 1.9 The Health and Wellbeing Board, while a Council Committee, is an executive Committee with separate statutory rules on membership. As with the Cabinet therefore, the Health and Wellbeing Board is not included in this seat allocation process.

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

- 2.1 The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

- 3.1 The Regulations specify that the minimum size of a Group is two Members. As seats are allocated on the basis of Groups, Members who do not belong to a Group do not have a right to be allocated any Committee seat.
- 3.2 The seat entitlements of the Groups are determined by a formula using the percentage of seats held by each Group, operating through a sequence of stages as follows:
 - **First**, the percentage of each Group’s membership of the Council is calculated.
 - **Next**, that percentage is then applied to the number of seats available on each Committee to determine each Group’s potential entitlement to seats on that Committee (rounded to the nearest whole number following the mathematical convention that numbers below 0.5 are rounded down, and those 0.5 or more are rounded up).

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil (i.e. less than 0.5), as there is a specific number of seats available on each Committee and no Group may have more seats on any Committee than its entitlement.

Those figures are then applied to the total number of seats available on each Committee, the seats being allocated in order, highest entitlement first, until all seats have been allocated.

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- **Finally**, fine adjustment is required to ensure that, so far as reasonably practicable, the total of seats allocated reflects the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process. This can result in a group being allocated more seats than appears to be its strict entitlement: this is the inevitable result of tensions within the political balance rules, which require different balancing arrangements as between the overall number of seats available, and the number of seats on each Committee.

Specific allocations

- 4.1 For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.
- 4.2 Once the number of seats available on each Committee has been determined, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.

Sub-Committee of the Governance Committee

- 5.1 The Appointments Sub-Committee does not count for the purpose of determining the overall political balance but must nevertheless be politically balanced itself. The suggested allocation of seats is as follows:

Sub-Committee	CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Appointments	7	4	2	1	0

- 5.2 Members of the Sub-Committee do not have to be Members of the Governance Committee, though some overlapping membership is desirable.