

REPORT TO:	GENERAL PURPOSES COMMITTEE
DATE:	29th September 2022
SUBJECT:	GENERAL PURPOSES URGENCY SUB-COMMITTEE – POLITICAL BALANCE REVIEW AND APPOINTMENTS
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE, DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
Lead Member:	COUNCILLOR AMY FOSTER, CHAIR OF GENERAL PURPOSES COMMITTEE
WARDS:	<i>All</i>
PUBLIC/EXEMPT:	Public

SUMMARY OF REPORT:

This report fulfils the Committee's duty to review political balance, allocate seats and make appointments, in accordance with the wishes of the political groups, in respect of the General Purposes Urgency Sub-Committee (Terms of Reference, Appendix 1).

RECOMMENDATIONS:

For the reasons set out in this report, the Committee is recommended to;

1. Review the representation of different political groups on the General Purposes Urgency Sub-Committee.
2. Agree to increase the size of the General Purposes Urgency Sub-Committee from 3 to 4 seats.
3. Agree the allocation of seats on the General Purposes Urgency Sub-Committee, by applying the political balance rules, to the Conservative and Labour groups as set out in paragraph 2.10 of this report.
4. Appoint to the General Purposes Urgency Sub-Committee, in accordance with the wishes of the relevant political group, the 4 Members and 4 substitutes as set out in paragraph 2.13, with nominations to be moved at the meeting.

1. BACKGROUND

- 1.1 At the Annual Council meeting on 25 May 2022, Council fulfilled its duty to review the representation of different political groups on certain committees. Thereafter, it determined the allocation of seats and made appointments to those committees, giving effect to the wishes of the political groups allocated the seats.
- 1.2 Following the election of Councillor Danielle Denton to the South Croydon ward, at the meeting of Council on 25 July 2022, there was another review of the political balance of the Council and consequential allocations and appointments were made.
- 1.3 This report fulfils the Committee's duty to review political balance, allocate seats and, in accordance with the wishes of the political groups, make appointments in respect of the General Purposes Urgency Sub-Committee (Terms of Reference, Appendix 1).

2. POLITICAL BALANCE AND APPOINTMENTS

- 2.1 The rules on political balance and committees / sub-committees are set out in sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.
- 2.2 The Committee is required to review the representation of different political groups on its sub-committee in specified circumstances. As soon as practicable after the review, the Committee then has a duty to determine the allocation to the different political groups all the seats on its sub-committee.
- 2.3 The allocation is determined by applying the political balance rules prescribed by section 15(5) of the 1989 Act. These rules are set out in the next paragraph and are designed to ensure that the political composition of the Council's committees and sub-committees, as far as possible, replicates the political composition of the Council.
- 2.4 The rules are that seats on relevant committees / sub-committees must be allocated to different political groups (i.e. a group of two or more members), so far as reasonably practicable, in accordance with the following four principles:
 - (a) That not all the seats on the body are allocated to the same political group. In other words, committees/sub-committees comprising solely of members of the same political group are not allowed.
 - (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 Council's membership. As no political group has an

overall majority, this rule is not applicable.

- (c) Subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the *ordinary committees* of the Council as the proportion of the members of the Council that belong to that group. In other words, the total number of seats on certain committees have to be taken together and then allocated proportionately to each political group so far as is possible. This rule is not applicable to sub-committees.
- (d) Subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group.

2.5 Following the by-election on 30 June 2022, the two main political groups in the Council remain as the Labour Group and the Conservative Group. The Council also has two Green Party Members (who have constituted a political group) and one Liberal Democrat Member.

2.6 Following the sad passing of Cllr Quadir in September 2022, the total membership of the Council, including the Mayor, is 71-70 which means that, for the purposes of political balance calculations, the membership of the Council in percentage terms breakdowns as follows:

Political Group/ Ungrouped Member	Members	Percentage
Conservative	<u>3433</u>	47.91%
Labour	34	<u>4748.96%</u>
Green	2	<u>2.89%</u>
Liberal Democratic	1	1.4%

2.7 Under current arrangements, the General Purposes Urgency Sub-Committee consist of 3 Members drawn from the membership of the General Purposes Committee.

2.8 Clearly, as the Conservative and Labour groups have almost equality of Members on Council, with no political group having overall council, it is not possible to achieve proportionality or fairness without an even number of seats on the General Purposes Urgency Sub-Committee. This also ensures that the equality of seats achieved on the main committee is reflected in the composition of the sub-committee.

Accordingly, it is proposed that the General Purposes Committee agrees to increase the size of the General Purposes Urgency Sub-Committee from 3 to 4 Members.

- 2.9 Incidentally, Part 4.F 'Non-Executive Committee Procedure Rules' of the Constitution states that no business shall be considered at a meeting of a Committee or Sub-Committee unless there are present either one third of the membership of the Committee or Sub-Committee or 3 members, whichever figure is the greater. The quorum for the General Purposes Sub-Committee is therefore 3 Members and is not affected.
- 2.10 As set out in the table below, applying the political balance rules, only the Conservative and Labour groups are entitled to be allocated seats on the General Purposes Urgency Sub-Committee:

	Size	Lab (487.69%)	Cons (47.19%)	Green (2.98%)	Lib Dem (1.4%)
General Purposes Sub-Committee	4	1.942	1.8892	0.124	0.06
Total Seats	4	2	2	0	0

- 2.12 Following the allocation of seats, the Committee has to make appointments to the General Purposes Urgency Sub-Committee, giving effect to the respective wishes of the Conservative and Labour groups.
- 2.13 Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the following Members and substitutes to the General Purposes Urgency Sub-Committee:

	Conservative	Labour
Members of the General Purposes Sub-Committee	Cllr Samir Dwesar	Cllr Amy Foster
	Cllr Lara Fish	Cllr Appu Srinivasan
Substitute Members of the General Purposes Sub-Committee	Cllr Joseph Lee	Cllr Stuart Collins
	Cllr Tony Pearson	Cllr Ellily Ponnuthurai

- 2.14 Finally, the Committee is asked to note that at any first meeting of the General Purposes Sub-Committee, the sub-committee would appoint a Chair and

Deputy-Chair (who would deputise in the absence of the Chair) for the remainder of the municipal year.

3. CONSULTATION

- 3.1. Chair of General Purposes Committee and Chief Whips of the Council's Conservative Group and Labour Group.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1. There are no identified financial implications.

5. LEGAL CONSIDERATIONS

- 5.1. The law relevant to the decisions to be made by Members is explained and applied in the body of the report.
- 5.2. Approved by Looqman Desai, Deputy Monitoring Officer, on behalf of the Director of Legal Services and Monitoring Officer

6. EQUALITIES

- 6.1 There are no specific equalities implications identified with this decision.

CONTACT OFFICER:

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APPENDICES TO THIS REPORT

Appendix 1 – Terms of Reference for the General Purposes Committee and General Purposes Sub-Committee.

BACKGROUND DOCUMENTS:

None

Appendix 1 – Terms of Reference

General Purposes Committee

1. Periodic review of the Scheme of Members' Allowances and approval of arrangements in respect of the scheme to reimburse costs incurred for childcare/dependent relative care, travel and subsistence whilst a Member is on Council business.
2. Appointments to outside bodies, subsequent to the Annual Council Meeting. [Note: The Monitoring Officer, after consultation with the Chair of the General Purposes Committee or (in respect of Executive appointments) the Mayor, may also make appointments to outside bodies as necessary during the year.]
- 3 Consideration of changes to the Constitution recommended by the Constitution Working Group, except for the allocation of responsibilities by the Mayor, and referral of any proposals to full Council for approval. Periodic review of the Constitution.
- 4 The Authority's Consultation requirements with the staff side.
- 5 Consideration and recommendation to Full Council of the Pay Policy Statement as required.
- 6 The function in respect of voting on severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
- 7 The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold.
- 8 Any matter not reserved to the Council or delegated to another Committee which pertains to a staffing matter and is referred to the Committee by the Head of Paid Service for consideration.
9. Receive reports relating to the Council's use of powers under the Regulation of Investigatory Powers Act 2000.
10. Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function.
11. Any matter reserved to the Council and a non-executive function, or a matter reserved to a non-executive committee or sub-committee of the Council which requires, in the Committee's view or on the recommendation of the Mayor, the Chief Executive or a Corporate Director, action as a matter of urgency.
12. Any protocol concerning the exercise of relevant delegated powers of the Committee.

General Purposes Urgency Sub-Committee

(Membership drawn from the Membership of the General Purposes Committee and constituted as and when necessary, by the Monitoring Officer)

All of the responsibilities and functions of the General Purposes Committee where in the opinion of the Monitoring Officer it is necessary for a decision to be taken before the next meeting of the Committee.