

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 23rd September 2021

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(For all enquiries) Democratic Services Lead

WARD(S): All

PART I **FOR DECISION**

ALLOCATION OF SEATS, COMMITTEE APPOINTMENTS AND CONSTITUTIONAL UPDATES

1 **Purpose of Report**

To advise the Council of revised proportionality entitlements following a change to the membership of the Labour Group, agree the allocation of seats on Committees and make the necessary appointments to seats on the Council's Committees that were appointed on 20th May.

To update the Council on other Constitutional and governance matters.

2. **Recommendations**

The Council is requested to resolve:

- (a) That the revised proportionality and entitlement to committee seats as set out in Appendix 1 be noted;
- (b) That Councillor Sharif be appointed to the additional seat allocated to the Labour Group on the Licensing Committee;
- (c) That Councillor Sharif be appointed to the Overview & Scrutiny Committee to replace Councillor Bal, who has resigned his seat on that committee.
- (d) That the update on the Constitutional position regarding the Trustee Committee to give effect to the Council motion of 22nd July 2021 be noted.

3. **Slough Joint Wellbeing Strategy Priorities**

Effective, transparent and equitable democratic and decision-making processes are an essential pre-requisite to the delivery of all the Council's priorities.

4. **Other Implications**

(a) **Legal Implications**

The recommendations within this report meet legal requirements (primarily the Local Government & Housing Act 1989 and associated Regulations) and the Local Government and Public Involvement in Health Act 2007. The proposals have no workforce implications and any financial implications have been

reflected within the approved budget. There are no Human Rights Act implications.

The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government Committee and Political Group Regulations 1990. The Council has an obligation to ensure compliance with the legislative requirements for political balancing in relation to the allocation of seats and the nominations to them. Any non-compliance with these rules increases the risk of challenge to the Council for failure to correctly determine the allocations.

Section 15 of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments. The Act requires that the review should be undertaken at the annual meeting or as soon as practicable after that meeting.

(b) Financial Implications

None.

5. Supporting Information

- 5.1 It is a requirement to appoint to the Committees, Sub-committees and other bodies as set out in the Constitution.

Allocation of Seats on Committees

- 5.2 The Council, in undertaking its duty to allocate seats to political Groups is required, as far as reasonably practicable, to give effect to the statutory principles below:

- (a) that not all the seats on the body are allocated to the same political group;*
- (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 authority's membership;*
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and*
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.*

In practice, the proper application of these rules often leads to a variation in the number of members from each Group on each committee, even between committees with the same number of members, in order to ensure balance overall across all committees and sub-committees.

- 5.3 The Council agreed the allocation of seats and appointments at the Annual Council meeting held on 20th May 2021. A Notice has been received in accordance with Regulation 10 (c) of The Local Government (Committees and Political Groups) Regulations 1990, advising that Councillor Sharif has re-joined the Labour Group. Councillor Sharif is therefore treated as a Labour Group councillor and not as an Independent Councillor for the purposes of committee allocations.
- 5.4 Proportionality and allocation of Committee Places has been re-calculated based on revised Group Membership and Appendix 1 details entitlement to Committee Places. The result of the change is minimal in that the additional seat allocated to the Labour Group is on the Licensing Committee on which Councillor Sharif was already a member as an Independent. He will now take one of the 10 seats allocated to the Labour Group. No other changes are required arising from the re-calculation of proportionality. The Council is reminded that when making the allocations in May 2021 it agreed to offer a committee seat each to Independent Members to ensure non-grouped councillors have fair representation.
- 5.5 The Council is also requested to agree that Councillor Sharif joins the Overview & Scrutiny Committee to take the seat vacated by Councillor Bal who has resigned from the Committee.

Trustee Committee

- 5.6 Full Council has considered the need for and amendments to the terms of reference for the Trustee Committee on a number of occasions previously. Members have agreed that the Trustee Committee should have public minutes and be accessible to the public, except when discussing confidential matters. This resulted in a decision by Council on 22 July 2021.
- 5.7 Officers have reviewed the Constitution and determined that the functions of the Trustee Committee as set out in Part 3.4 confirm that this committee will act as corporate trustee in respect of all assets held by the Council as charitable trustees. As the Trustee Committee is a committee of the Council, it is subject to the Council Procedure Rules at Part 4.1 and Access to Information Procedure Rules at Part 4.2 of the Constitution. These set out that meetings should be held in public and reports published in advance, except where the report is exempt and provide opportunities for the public to attend and observe meetings, as well as opportunities for non committee members to attend and speak with the permission of the Chair. Public questions can be asked at a Council meeting and referred to the relevant committee for consideration. There is therefore no need to amend the Constitution and Democratic Services will ensure that the Trustee Committee complies with the same constitutional rules as other Council committees.

6. Appendices

Appendix 1 – Revised allocation of Seats

7. Background Papers

None

APPENDIX 1

Allocation of Committee Seats September 2021 – ‘The Basket’

The following committees and sub-committees are subject to proportionality rules and the decision of Council to offer a seat to Independent Members.

Group name -->		Labour Group	Conservative Group	Independent Members (no seat entitlement)
Seats on Council -->		35	5	2
Committee name	Cttee size	Seat allocation	Seat allocation	Seat allocation
Licencing Committee	11	10	1	0
Planning Committee	9	7	1	1 Cllr Dar
Employment and appeals Committee	9	7	1	1 Cllr Bedi
Overview and Scrutiny Committee	9	8	1	0
Customer & Community Scrutiny Panel	9	8	1	0
People Scrutiny Panel	9	8	1	0
Place Scrutiny Panel	9	8	1	0
Audit & Corporate Governance Committee	7	6	1	0
Trustee Committee	7	6	1	0
Appeals Committee	5	4	1	0
Appeals sub-committee	5	4	1	0
Appointments Sub-committee	5	4	1	0
Investigating and Disciplinary Committee	5	4	1	0
TOTAL SEATS	99	84	13	2