

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 01/11/2023

Subject: Allocation of Seats and Proportionality on Committees

Report of: The Leader of the Council - Councillor Stephen Cowan

Report author: David Abbott, Head of Governance

Responsible Director: David Tatlow, Director of Law and Governance

SUMMARY

The Council is required to confirm the proportional division of seats on the standing committees.

RECOMMENDATIONS

1. That the allocation of seats set out in Appendix 1 be noted.
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Wards Affected: All

| Our Values | Summary of how this report aligns to the H&F Values |
|---------------------|--|
| Taking pride in H&F | Ensuring a high standard of governance across the Council. |

Financial Impact

There are no direct financial implications as a result of this decision.

Alex Pygram, Head of Finance, 23/10/2023

Verified by Andre Mark, Head of Finance – Strategic Planning and Investment, 23/10/2023

Legal Implications

The legal implications are set out in the body of the report.

Background papers used in preparing this report

None.

DETAILED ANALYSIS

Allocation of Seats

1. Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.
2. Section 15 (1) (b) of the Local Government and Housing Act 1989 (“the 1989 Act”) imposes a duty on the local authority to review the allocation of seats on the committees of the Council between the political groups at its annual meeting or as soon as possible thereafter. The Council may carry out such a review at any other time and may do so if requested by a political group.
3. In accordance with the 1989 Act the following principles apply to the allocation of seats:
 - (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority’s membership;
 - (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority’s membership; and
 - (d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group’s membership of the authority.
4. Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.
5. The 1989 Act requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

6. Cabinet, Health and Wellbeing Board and the Licensing Committee are not required to be proportional and so are outside of the political balance calculation.
7. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political proportionality

8. The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

$$\text{No. of Group Members} \times 100 / 50$$

9. Following the removal of the Labour whip from Councillor Morton on 18th July, the political balance of the Council is set out in Table 1 below:

| | No of seats on the Council | Proportionality |
|--------------|-----------------------------------|------------------------|
| Labour | 39 | 78% |
| Conservative | 10 | 20% |
| Independent | 1 | 2% |
| Total | 50 | 100% |

PROPOSAL AND ISSUES

10. The Labour and Conservative Groups hold respectively, 39 and 10 of the 50 Council seats. While there is one Independent Member. The proportion by which seats on Committees should be allocated is 78% Majority Group, 20% Minority Group and 2% Independent member. This equates, on the basis of 78 committee seats to: 61 Majority Party, 16 Minority Party and 1 Independent seats.
11. Membership of the Council's Standing Committees (except the Licensing Committee and the Health and Wellbeing Board) and Sub-Committees is governed by the Local Government (Committees and Political Groups) Regulations 1990, as amended, which provides for Members of Standing Committees and Sub-Committees to be those whose names have been notified to the Chief Executive, who is the duly appointed proper officer for these purposes. The Chief Executive has the power to appoint to all Standing Committees (except the Licensing Committees) and Sub-Committees in accordance with any notification received under the Regulations.
12. Both political groups on the Council have to notify the Chief Executive of the names of the Members to serve on the Standing Committees, Sub-Committees and subsidiary bodies.

REASONS FOR DECISION

13. The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically the representation of the political groups on their Committees and Sub-Committees to ensure a political balance.

LIST OF APPENDICES

Appendix 1 - Allocation of Seats

Allocation of Seats and Proportionality

Seats are allocated with the following calculation:

$$\text{councillors in political group} \div \text{total number of councillors} \times \text{seats on committee} \\ = \text{allocation of seats (rounded to nearest whole number)}$$

Administration councillors (Labour): 39

Opposition councillors (Conservative): 10

Independent councillor: 1

Total number of councillors: 50

| Committees | Total seats | Administration's allocation | Opposition's allocation | Independent allocation |
|--|--------------------|------------------------------------|--------------------------------|-------------------------------|
| Planning and Development Control Committee | 8 | 6 | 2 | 0 |
| Policy and Oversight Board | 8 | 7 | 1 | 0 |
| Appointments Panel (H&F) | 5 | 4 | 1 | 0 |
| Appointments Panel (Chief Exec) | 5 | 4 | 1 | 0 |
| Appointments Panel (Shared) | 3 | 2 | 1 | 0 |
| Audit Committee | 5 | 4 | 1 | 0 |
| Pension Fund Committee | 5 | 4 | 1 | 0 |
| Standards Committee | 5 | 4 | 1 | 0 |
| Children and Education Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| Health and Adult Social Care Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| Social Inclusion and Community Safety Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| Climate Change and Ecology Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| The Economy, Arts, Sports and Public Realm Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| Housing and Homelessness Policy and Accountability Committee | 5 | 4 | 1 | 0 |
| Wormwood Scrubs Charitable Trust | 3 | 2 | 1 | 0 |
| Joint Health Overview & Scrutiny Committee | 1 | 1 | 0 | 0 |

| Sub-Committees | Total seats | Administration's allocation | Opposition's allocation | Independent allocation |
|-------------------------|--------------------|------------------------------------|--------------------------------|-------------------------------|
| Licensing Sub-Committee | 3 | 2 | 1 | 0 |