

Item No. 9.2	Classification: Open	Date: January 27 2010	Meeting Name: Council Assembly
Report title:		Proportionality Report	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATIONS

1. That council assembly reviews proportionality on the council's ordinary committees following recent membership changes on the council.
2. That council assembly adopts one of the following options as set out in the report:

Option 1 – Reduce the total number of seats on ordinary committee to 34 seats (see paragraph 10 of the report and Appendix 1)

Option 2 – No change. Total number of seats on ordinary committee remains at 35 seats (see paragraph 11 of the report). Note: This option requires the unanimous agreement of all councillors present and voting.

BACKGROUND INFORMATION

3. Following recent membership changes including the resignation as a councillor of Susan Elan Jones and the notification that Councillor Olajumoke Oyewunmi wishes to be treated as an independent councillor, officers have reviewed the proportionality on council committees.
4. The overall allocation of seats reported to council assembly in May 2009 was:

	No of seats	%
Liberal Democrat	27	42.86
Labour	29	46.03
Conservative	6	9.52
Green	1	1.59
Independent	0	0.00
Total	63	100

5. Following the membership changes the position now is:

	No of seats	%
Liberal Democrat	27	43.55
Labour	27	43.55
Conservative	6	9.68
Green	1	1.61
Independent	1	1.61
Total	62	100

KEY ISSUES FOR CONSIDERATION

Ordinary Committees

6. The ordinary committees on the council are: appointments, planning, audit and governance, disciplinary appeals and corporate parenting committees.
7. The membership changes are significant enough to change the percentage of seats on the council held by the different political groups. The new calculation gives the percentage of seats on the council for the Labour Group and the Liberal Democrat Group as equal. Therefore to obtain the most proportionate allocation on ordinary committees both groups need to be allocated an equal number of seats. If the new percentages are applied to the current total number of seats on ordinary committees, i.e. 35 seats, this does not give the most proportionate allocation because an extra seat has to be allocated to either the Labour Group or Liberal Democrat Group. Officers have explored giving an extra seat to the Conservative Group but this is even more disproportionate.
8. Officers have suggested two options for allocating places on the ordinary committees which are set out below. The total number of seats on ordinary committees and the allocation of seats to individual committees are agreed by council assembly. This allocation must provide the lowest total discrepancy compared to the ideal proportional allocation.

The current allocation on ordinary committees is as follows:

Committee	Total	Liberal Democrat	Labour	Conservative
Committee 1 (in 2009-10 - Appointments Committee)	7	3	3	1
Committee 2 (in 2009-10 - Planning Committee)	7	3	3	1
Committee 3 (in 2009-10 – Disciplinary Appeals Committee)	8	4	4	0
Committee 4 (In 2009-10 - Audit and Governance Committee)	5	2	2	1
Committee 5 (In 2009-10 Corporate Parenting Committee)	8	3	4	1
Total	35	15	16	4
Total Discrepancy	0.78	0.00	0.11	0.67

Notes: 1. The size and composition of the “ordinary committees” is based on a total number of 35 seats and includes the committees established for the 2009-10

municipal year. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group had on the council at the time of the annual meeting in May 2009 (see paragraph 4).

2. *It is for council assembly to agree the total number of seats and allocate the appointments, planning, disciplinary appeals, audit and governance and corporate parenting committees to committees numbered 1 to 5 in the table above.*

9. The recommended two options are as follows:

Option 1

10. The total number of seats on ordinary committee is reduced to 34 seats (see Appendix 1). Effect: Reduces the Labour allocation on corporate parenting committee by one, giving a revised allocation of:

Committee	Total	Liberal Democrat	Labour	Conservative
Committee 5 (In 2009-10 Corporate Parenting Committee)	7	3	3	1

There are no other changes to other committees. This gives a total discrepancy of 1.09.

Comments:

- Lowest discrepancy
- Minimal changes to committees

Option 2

11. Council assembly could agree to leave all the allocations unchanged. This would need to be agreed unanimously by council assembly. This gives a total discrepancy of 1.61.

Comments:

- No changes required
- This option must be agreed unanimously by council assembly
- Not the lowest discrepancy.

Option 1 is the more proportionate option.

Other options

12. Other options may become available if there are further changes to the membership of political groups.

Other committees

13. Proportionality on other committees is unaffected by the recent changes.
14. The overview and scrutiny committee gives consideration to appointing independent councillors who are not members of any political group to scrutiny sub-committees. This is to enable the member concerned to play a part in the scrutiny functions in their capacity as a

non-executive member. This is a matter the overview and scrutiny committee may wish to consider.

Legal implications

- Section 15 (1) of the Local Government and Housing Act 1989 states that it the "duty of the relevant authority having power from time to time to make appointments to a body to which this section applies to review the representation of different groups" where the members are divided into different political groups.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive, Establishment of Committees and Other Constitutional Issues 2009-10, Council Assembly May 2009 report	160 Tooley Street, London SE1 2LX	Ian Millichap 020 7525 7225

APPENDICES

Appendix	Title
Appendix 1	Proportionality – Ordinary Committees - Option 1
Appendix 2	Proportionality rules

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Ian Millichap, Constitutional Manager	
Version	Final	
Dated	January 14 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Executive Member	No	No
Date final report sent to Constitutional Support Services	January 14 2010	

PROPORTIONALITY - ORDINARY COMMITTEES – OPTION 1

Proportionality

	No of seats	%
Liberal Democrat	27	43.55
Labour	27	43.55
Conservative	6	9.68
Green	1	1.61
Independent	1	1.61
Total	62	100

Note: The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent members so they do not form part of the proportionality allocations for ordinary committees.

Ideal Number of Ordinary Committee Places

Total places	Liberal Democrat	Labour	Conservative
34	14.81	14.81	3.29

Note: The ideal allocations set out in the table above are based on each political group's percentage allocation on the council.

Proposed allocation of seats on ordinary committees – Option 1

	Lib Dem	Lab	Cons	Total	Total Discrepancy
Committee 1 (Appointments Committee)	3	3	1		
Committee 2 (Planning Committee)	3	3	1		
Committee 3 (Disciplinary Appeals Committee)	4	4	0		
Committee 4 (Audit and Governance Committee)	2	2	1		
Committee 5 (Corporate Parenting Committee)	3	3	1		
Total no. of seats	15	15	4	34	
Discrepancy	-0.19	-0.19	-0.71		1.09

PROPORTIONALITY RULES

1. The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent councillors so they do not form part of the proportionality considerations.
2. Seats on committees and sub committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
 - (i) That not all the seats on a committee or sub committee are allocated to the same political group;
 - (ii) That the majority group must have the majority of seats on each committee or sub committee;

Note: As no one group has an overall majority on the council, this principle is not relevant.

- (iii) Subject to (1) and (2) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects, as closely as possible, their proportion of seats on full council; and,

Notes: 1. The ordinary committees are appointments, planning, disciplinary appeals, audit and governance and corporate parenting. The total number of seats on these 5 committees must be allocated as proportionately as is reasonably practicable.

2. The licensing committee is appointed under the Licensing Act 2003 and the overview and scrutiny committee is appointed under section 21 of the Local Government Act 2000. Neither committee is an ordinary committee.

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub committees and joint committees, except for licensing committee, standards committee and community councils.

Appointments to seats

3. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".
4. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore, groups have discretion to allocate seats as they wish, including to a member of another group, or an individual councillor or councillors sitting on the council.