



City of Westminster

# Annual Council Report

<b>Date:</b>	<b>18 May 2022</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Constitutional Matters</b>
<b>Report of:</b>	<b>Director of Law (Monitoring Officer)</b>
<b>Wards Involved:</b>	<b>Not applicable</b>
<b>Policy Context:</b>	<b>Management of the Council</b>
<b>Financial Summary:</b>	<b>None</b>
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## 1. Summary

- 1.1 The Council is required to confirm the proportional division of seats on the Standing Committees and to note the Members appointed to them. The Committees are required to appoint and confirm the proportional division of seats on their Sub-Committees and subsidiary bodies, and to note the Members appointed to them. The Committees will meet on the rising of the Annual Council Meeting to do this and, with the exception of the Westminster Scrutiny Commission and four Policy and Scrutiny Committees, appoint their Chair, agree the appointment of their Sub-Committees and related matters. Scrutiny Chairs will be appointed at the first meeting of those Committees.
- 1.2 The Council's Standing Committees were established in their current form at the Annual Council meeting in 2021 and these remain in place until amended by a vote of the Council. Following the City Council Elections on 5 May 2022, the Chief Executive has received notification from the political groups that an agreement has been reached to propose a variation of the number of seats on Standing Committees to be achieved by reducing the number of seats on certain committees. The proposals in this report reflect this agreement and are set out for approval of the Council.
- 1.3 The Chief Executive has also received notification from both political groups of the names of the Members which will form the Majority Party and the Opposition Party of the Council. These Members will be appointed to serve on Standing Committees and Standing Sub-Committees by the Chief Executive in accordance with the notification received from the respective Party Whips.

## 2. Recommendations

- 2.1 That the number of seats appointed to on Standing Committees be amended as set out in 2.2 below and their Terms of Reference as set out in Appendix A be approved.
- 2.2 That the Council confirm the proportional division of seats on the Standing Committees as set out below.

Committee	Members		
	Total	Labour	Conservative
Audit and Performance Committee	4	3	1
General Purposes Committee	4	3	1
Westminster Scrutiny Commission	5	3	2
Communities, City Management and Air Quality P&S	7	4	3
Children & Adults, Public Health & Voluntary Sector P&S	7	4	3
Finance, Planning and Economic Development P&S	7	4	3
Climate Action, Housing and Regeneration P&S	7	4	3
Standards Committee	5	3	2
Pensions Fund Committee	4	3	1
Planning & City Development Committee	14	8	6
Licensing Committee	15	8	7
<b>Total</b>	<b>79</b>	<b>47</b>	<b>32</b>
<b>Target number (and variance)</b>		<b>45 (+2)</b>	<b>34 (-2)</b>

- 2.3 That the Council note the Members appointed to the Standing Committees by the Chief Executive following notification received from the respective party Chief Whip under the Local Government (Committees and Political Groups) Regulations 1990 as amended, set out in Appendix B, to be tabled.
- 2.4 That the Council's Constitution, including the Scheme of Delegations to Officers in respect of Non-Executive functions, be endorsed.

## 3. Background

- 3.1 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.

- 3.2 The following principles apply to the allocation of seats in sequential order:
- (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.
- 3.3 Sub-Committees 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.
- 3.4 Following the City Council Elections on 5 May 2022 the Labour and Conservative Groups hold, respectively, 31 and 23 of the total of 54 Council seats. The proportion by which seats on Committees should be allocated is 57.41% Majority Group and 42.59% Opposition Group.
- 3.5 The committee structure agreed by Annual Council in 2021 created a total of 85 committee seats across Standing Committees. This would have equated to an entitlement of 49 Majority Party and 36 Opposition Party seats. Following the principles set out at 3.2, the only way to ensure a majority of seats on each Committee were allocated to the Majority Group would be to allocate 53 seats to the Majority Group and 32 to the Opposition Group, creating a variance of four seats in favour of the Majority party.
- 3.6 In order to mitigate the imbalance set out at 3.5, but also in light of the impact of boundary changes adopted at the 2022 local elections which reduced the overall number of councillors to 54 from 60, both political groups have agreed to the proposal of a reduction in the total number of seats on Standing Committees from 85 to 79. This reduction results in a variance of two (rounded up from 1.6) seats in favour of the Majority Party with a target of 45 seats for the Majority Party (achieved 47) and 34 seats for the Opposition Group (achieved 32). This reduction has been realised by reducing the number of Majority Group seats on the Scrutiny Commission from four to three, on all four Policy and Scrutiny Committees from five to four and on the Standards Committee from four to three.
- 3.7 The Chief Executive and the Director of Law (Monitoring Officer) have confirmed that the proposed allocation is in accordance with the proportionality rules and the principles stated at 3.2.

- 3.8 Membership of the Council's Standing Committees and Sub-Committees is governed by Chapter 5, Section 23(1) which, in accordance with the Local Government (Committees and Political Groups) Regulations 1990, as amended, 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 delegated power to appoint to all Standing Committees and Sub-Committees in accordance with notifications received from Party officers under the Regulations.
- 3.9 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. It is for the Council to note the Standing Committee memberships as set out in Appendix B to this report and for the Standing Committees to note their Sub-Committee memberships in due course. In addition, the Standing Committees will be asked to appoint their Chairs, where necessary, and confirm the terms of reference of their Sub-Committees, as set out in the Constitution.
- 3.10 The City Council is required to appoint a Licensing Committee in accordance with the Licensing Act 2003. In accordance with the provisions of the Licensing Act the minimum number of Members who can be appointed to the Licensing Committee is 10 and the maximum 15. The Council, as the busiest Licensing authority, has always appointed the maximum number of Members
- 3.11 The responsibility for the delegation of executive functions sits with the Leader who allocates these to the full Cabinet, a Cabinet Committee, a Cabinet Member or an Officer. The nominated Leader of the Council has confirmed that he is content with the Scheme of Delegations for executive functions to Officers as set out in the Constitution and these are noted elsewhere on this agenda. The terms of reference of the Cabinet, Cabinet Committees and Cabinet Members are also set out elsewhere on this agenda.
- 3.12 The Council will note that the Constitution which can be found on the Council's website: [www.westminster.gov.uk](http://www.westminster.gov.uk). The Monitoring Officer has delegated authority to keep the Constitution up-to-date. The Council is asked to note that proposed revisions to the Constitution will be reported via the General Purposes Committee in the coming months. Otherwise, the Constitution is kept up-to-date by Officers under delegated powers.

#### **4. Financial Implications**

- 4.1 The proposals in this report make no substantive changes to the structure of the Standing Committees and therefore there are no financial implications associated with the appointments to Standing Committees. Any changes to allowances and their impact will be reported through the General Purposes Committee.

4.2 It should be noted that the Council agreed at its meeting in March 2022 to increase the Members allowances for this financial year to match any settlement to local government staff. The local government pay settlement resulted in a 1.75% increase for staff and this has therefore now been applied to Member allowances. Provision has been made in the Council's 2022-2023 budget for this increase.

## 5. Legal Implications

5.1 The Council is required to carry out a review of seats at least annually in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. These requirements are reflected in this report.

**If you have any queries about this report or wish to inspect any of the background papers please contact Tristan Fieldsend.  
Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)**

### Background Papers

The Constitution – available via the Council's website

#### Appendices:

- Appendix A – Terms of Reference of the Committees
- Appendix B – Memberships of the Standing Committees (*to be tabled*)