


Non-Executive Report of the: Overview and Scrutiny Committee 8 December 2016	 TOWER HAMLETS
Report of: Acting Corporate Director, Law, Probity and Governance	Classification: Unrestricted
Review of proportionality and allocation of places on Overview and Scrutiny Sub-Committees	

Originating Officer(s)	Matthew Mannion, Committee Services Manager, Democratic Services
Wards affected	All wards

Special Circumstances Justifying Urgent Consideration

This report is presented to agree changes to the proportional membership of the Overview and Scrutiny Sub-Committees following recent changes to the political groups on the Council. The report was not available at the time the agenda was published as the changes to political groups had not been notified at that time. The report cannot wait until the next meeting of the Overview and Scrutiny Committee because it is required that the proportionality be reviewed at the first available meeting following the changes.

Summary

A number of changes in the political composition of the Council have occurred recently following the Whitechapel Ward By-Election where Councillor Shafi Ahmed was elected. In addition, Councillors Shah Alam, Abdul Asad, Aminur Khan and Rabina Khan have given notice to the proper officer that for the purposes of the Local Government & Housing Act 1989 ('the 1989 Act') they no longer are members of the Independent Group.

Councillors Shafi Ahmed, Shah Alam, Abdul Asad, Rabina Khan, Aminur Khan have further informed the Proper Officer that they are forming a new Group on the Council called 'Tower Hamlets People's Alliance' with Councillor Rabina Khan as the Group Leader.

Consequent to these changes Council reviewed the allocation of places on its Committees, including the Overview and Scrutiny Committee at its meeting on Monday 5 December 2016. It is now for the Overview and Scrutiny Committee to do the same for its Sub-Committees as they are also covered by the 1989 Act. The proposed new Sub-Committee allocations are set out at paragraph 4.2 overleaf.

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Consider the review of proportionality as at section 3 of this report overleaf.
2. Determine the allocation of seats on each Sub-Committee including agreeing the size of each Sub-Committee. This includes determining the final size of the Grants Scrutiny Sub-Committee in view of the recommendation in Paragraph 4.3 that it be expanded to 7 seats.
3. Agree that Members and deputies be appointed to serve on those Sub-Committees in accordance with nominations from the political groups to be notified to the Acting Corporate Director, Law, Probity and Governance.

1. REASONS FOR THE DECISIONS

- 1.1 Changes to the political composition of the Council following the Whitechapel By-Election and a number of changes to the membership of political groups.

2. ALTERNATIVE OPTIONS

- 2.1 No alternative options.

3. DETAILS OF REPORT

- 3.1 Section 15(1) of the 1989 Act requires the Council as soon as practicable after a change in the political composition to carry out a review to determine the allocation to the political groups of seats on the committees/panels of the Council.
- 3.2 The Scrutiny Sub-Committees are set up individually by the Overview and Scrutiny and are calculated on an individual basis in respect of the proportionality balance. It must be noted though that each Sub-Committee must provide a majority of seats to the majority group on the Council. The calculation does not take account of any Co-opted Members of the Sub-Committees.

- 3.3 Following the changes described in Paragraph 1.1 and 1.2 to this report, the political composition of the Council is now as follows:

GROUP	SEATS (on Council)	PROPORTION ON COUNCIL
Labour	23	54.77%
Independent Group	9	21.43%
Conservative	5	11.90%
Tower Hamlets People's Alliance	5	11.90%
Ungrouped	3	0*
	45	100%

* Ungrouped Councillors are not included in the proportionality calculation.

4. Allocation of Places on Sub-Committees

- 4.1 The following tables provides the proportionality calculations for different sized Committees. At present the Health Scrutiny Sub-Committee and the Housing Scrutiny Sub-Committee have 7 Members whilst the Grants Scrutiny Sub-Committee has 5.

Number of seats	Labour	Independent Group	Conservative	Tower Hamlets People's Alliance
9	4.93	1.93	1.07	1.07
8	4.38	1.71	0.95	0.95
7	3.83	1.5	0.83	0.83
6	3.29	1.29	0.71	0.71
5	2.74	1.07	0.60	0.60

- 4.2 Applying the calculations as closely as is reasonably practicable, the proposed allocation of places on the Sub-Committees is set out below. Two calculations are given for the Grants Sub-Committee. As can be seen, the calculations cause a problem for a 5 Member Sub-Committee as there are not enough spaces to allocate a seat to each group and the remaining groups have the same number of Members and therefore the same entitlement to a seat.

Committee/panel	Total	Labour	Independent Group	Conservative	Tower Hamlets People's Alliance
Health Scrutiny Sub-Committee	7	4	1	1	1
Housing Scrutiny Sub-Committee	7	4	1	1	1
Grants Scrutiny Sub-Committee (current)	5	3	1	One remaining allocation to be agreed between these groups.	
Grants Scrutiny Sub-Committee (option)	7	4	1	1	1

- 4.3 Given the above issue with the size of the Grants Scrutiny Sub-Committee it is proposed to increase its size to 7 Members (plus Co-optees) to allow a better balance and ensure that all Groups are able to contribute to effective scrutiny of Grants decision making.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 There are no direct financial considerations arising from this report.

6. LEGAL COMMENTS

- 6.1. The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules.
- 6.2. 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. Pursuant to section 9FA(6)(b) of the Local Government Act 2000 an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated as a body to which section 15 of the Local Government and Housing Act 1989 applies.
- 6.3. Section 15(4) sets out four rules, and requires authorities to apply them in descending order of priority:

- Rule 1: Where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.
 - Rule 2: Where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.
 - Rule 3: Without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.
 - Rule 4: So far as is consistent with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.
- 6.4. Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least two members.
- 6.5. With regard to the increase in size of the Grants Scrutiny Sub-Committee, as the intention was that this Sub-Committee be an all-party group reviewing grants then in order for it to remain an all-party group, the membership will need to increase to 7.
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7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1. None specific to this report.

8. BEST VALUE (BV) IMPLICATIONS

- 8.1 None specific to this report.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 None specific to this report.

10. RISK MANAGEMENT IMPLICATIONS

- 10.1 None specific to this report.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 11.1 None specific to this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

- None

Officer contact details for documents:

- N/A