


Non-Executive Report of the: Council Monday 5 December 2016	
Report of: Acting Corporate Director, Law, Probity and Governance	Classification: Unrestricted
Review of proportionality and allocation of places on committees and panels of the Council 2016/17 – Tabled Amended Version	

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

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 the Council must review the allocation of places on Committees and other bodies covered by the proportionality requirements in the 1989 Act. The proposed new committee allocations are set out at paragraph 4.2 overleaf.

Recommendations:

Council is recommended to:

1. Consider the review of proportionality as at section 3 of this report overleaf and agree the allocation of seats on committees and panels for the remainder of the Municipal Year 2016/17 as set out at paragraph 4.2.
2. Note the committees and panels established for the municipal year 2016/17 as listed in paragraph 4.2 as agreed at the Annual Council meeting held on Wednesday 18 May 2016.
3. Agree that Members and deputies be appointed to serve on those committees

and panels in accordance with nominations from the political groups to be notified to the Acting Corporate Director, Law, Probity and Governance.

4. The Acting Corporate Director, Law, Probity and Governance be authorised to approve the appointment of ungrouped Councillors to any committee places not allocated by the Council to a political group, after consultation with those Councillors and the Speaker of the Council.
5. To note the draft Council seating plan as set out in Appendix 1 (to follow)

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. The principles which must be adopted are:
 - (i) that in relation to each body covered by the Act, all seats are not allocated to the same political group;
 - (ii) that the majority of seats on each body must go to the political group with the majority on the Council (if any);
 - (iii) that subject to (i) and (ii) the number of seats on the total of all the ordinary committees/panels of the authority allocated to each group bears the same proportion as that group's proportion of the seats on the full Council; and
 - (iv) that subject to the above three principles, the number of seats on each ordinary committee/panel of the authority allocated to each political group bears the same proportion as that group's proportion of the seats on the full Council.
- 3.2 Once the political groups have been allocated their places in accordance with the above rules, the Council may appoint ungrouped members to any remaining positions.

- 3.3 Neither the Cabinet and any executive sub-groups of the Cabinet; nor the Tower Hamlets Health and Wellbeing Board, are covered by the requirement for proportionality.
- 3.4 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	ENTITLEMENT (to seats on Committees)
Labour	23	54.77%	37.79 (38)
Independent Group	9	21.43%	14.79 (15)
Conservative	5	11.90%	8.21 (8)
Tower Hamlets People's Alliance	5	11.90%	8.21 (8)
Ungrouped	3	0*	0
	45	100%	69

* Ungrouped Councillors are not included in the proportionality calculation.

4. Allocation of Places on Committees

4.1 The committees and panels established by the Council for the municipal year 2016/17 are listed below. There is a recommended total of 69 places on these committees and panels.

4.2 Applying the principles in the 1989 Act as closely as is reasonably practicable, the proposed allocation of places on the committees and panels covered by the requirement for proportionality for the remainder of the municipal year or until the next review of proportionality, whichever is sooner, is as follows:-

Committee/panel	Total	Labour	Independent Group	Conservative	Tower Hamlets People's Alliance
Overview & Scrutiny Committee (plus 6 co-optees)	9	5	2	1	1
Audit Committee	7	4	1	1	1
Development Committee	7	4	1	1	1
Strategic Development Committee	8	5	1	1	1
General Purposes Committee	9	5	2	1	1
Licensing Committee	15	8	5	1	1
Pensions Committee	7	4	1	1	1
Standards Advisory Committee (plus 7 co-optees)	7	4	1	1	1
TOTALS	69	39*	14	8	8

* Paragraph 3.1 (ii) above states that the majority of seats on each Committee must go to the majority group on the Council. The Labour Group are therefore entitled to 39 seats (one more than the strict calculation set out in Paragraph 3.4).

4.3 The above will result in the allocation of all committee places amongst the political groups in accordance with the rules set out in the 1989 Act.

- 4.4 It is for the Overview and Scrutiny Committee to agree arrangements for its own Sub-Committees and these will be adjusted in due course at an Overview and Scrutiny Committee meeting.
- 4.5 Changes to the political groups also impact on the Council seating plan. A new seating plan will be circulated in advance of the meeting (as Appendix 1 to this report).

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. The political proportionality rules also apply to those outside bodies dealing with local government matters to which the council appoints three or more representatives.

6.6. The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

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

- Appendix 1 – Council Seating Plan (to follow)

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