

Non-Executive Report of the: General Purposes Committee 25 January 2017	 TOWER HAMLETS
Report of: Graham White, Acting Corporate Director, Governance	Classification: Unrestricted
Review of Proportionality of the Appointment Sub-Committee	

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

Summary

The terms of reference of the General Purposes Committee include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

On 15 June 2016, the Committee approved the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2016/17 and a process for arranging meetings of the Sub-Committee. This process included arrangements for allocation of Sub-Committee seats to the Council's political groups. Following the December 2016 Whitechapel by-election and recent changes to the political composition of the Council, it is necessary for the Committee to amend these membership arrangements.

Recommendations:

The General Purposes Committee is recommended to:

1. Amend the membership provisions of the Appointment Sub-Committee as detailed in paragraph 3.2 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the General Purposes Committee sets up Appointment Sub-Committees to determine senior officer appointments.
- 1.2 The political composition of the Council has changed since the arrangements for representation of the Council's political groups on the Appointment Sub Committee were approved. The arrangements should now be amended accordingly.

2. ALTERNATIVE OPTIONS

- 2.1 If the membership arrangements are not amended, the membership of future Appointments Sub-Committee will not reflect the political composition of the Council

3. DETAILS OF REPORT

- 3.1 The current membership arrangements for the Appointments Sub-Committee were approved by the General Purposes Committee in June 2016 and the allocations of Sub-Committee seats to political groups reflect the political composition of the Council at that time. They stated:
 - a) For a Chief Officer (Corporate Director level) appointment, the Appointments Sub-Committee shall comprise of seven Councillors as follows:-
 - Four Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive;
 - Two Councillors nominated by the Leader of the Independent Group;
 - One Councillor nominated by the Leader of the Conservative Group.
 - b) For a Deputy Chief Officer (Divisional Director level) appointment, the Appointments Sub-Committee shall comprise of five Councillors as follows:-
 - Three Members nominated by the Leader of the Labour Group, one of whom must be either the Mayor or a member of the Executive;
 - One Councillors nominated by the Leader of the Independent Group;
 - One Councillor nominate by the Leader of the Conservative Group.
- 3.2 Following the December 2016 Whitechapel by-election and recent changes to several of the Council's political groups, the political composition of the Council has changed. Details of the new political composition were reported to Full Council on 5 December 2016, where the proportionality and allocation of places on committees and panels of the Council 2016/17 was formally amended. The changes included the creation of a new, fourth political group titled the People's Alliance of Tower Hamlets.
- 3.3 In accordance with the changes described above, it is necessary to consider the allocation of places for the Appointment Sub-Committees. For Chief Officers, amended allocations would be as follows:

- a) For a Chief Officer (Corporate Director level) appointment, the Appointments Sub-Committee shall comprise of 7 Councillors as follows:-
- 4 Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive;
 - 1 Councillor nominated by the Leader of the Independent Group;
 - 1 Councillor nominated by the Leader of the Conservative Group.
 - 1 Councillor nominated by the Leader of the People's Alliance of Tower Hamlets Group.
- b) For a Deputy Chief Officer (Divisional Director level) appointments, the Sub-Committees have until now consisted of 5 Members. However, it is not possible to ensure that all political groups are properly represented on a five person Sub-Committee whilst maintaining a majority for the Majority Group as required. Whilst, it is not ideal to have a larger Sub-Committee for Deputy Chief Officer appointments, it is seen as the best solution available. It is therefore proposed to amend the proposed allocations to increase the size of the Sub-Committee to seven in line with Chief Officer Appointments:-
- 4 Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive;
 - 1 Councillor nominated by the Leader of the Independent Group;
 - 1 Councillor nominated by the Leader of the Conservative Group.
 - 1 Councillor nominated by the Leader of the People's Alliance of Tower Hamlets Group.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications directly arising from this report.

5. LEGAL COMMENTS

- 5.1 The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules.
- 5.2 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.
- 5.3 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.

5.4 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.

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

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

5.7 In respect of the Appointment Sub-Committees to consider appointments to Divisional Director (Deputy Chief Officer) level posts, Membership of these have previously been set at five. However, following the recent changes, that does not allow representation from all political groups on the Council. This is considered important in ensuring that all groups have buy-in to successful candidates. It is therefore proposed that the number of Members on these Sub-Committees be increased to seven in line with the Sub-Committees that consider appointments to Chief Officer posts.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

7. BEST VALUE (BV) IMPLICATIONS

7.1 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no direct implications on sustainable action for a greener environment.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There is a risk that the Council will not be successful in securing the best staff and its reputation will suffer if the recruitment and selection process for senior staff does not operate smoothly and effectively. The recommendation detailed above will ensure the Council complies with the statutory requirements for the appointment of Chief Officers and Deputy Chief Officers.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no direct implications on crime and disorder reduction.

Linked Reports, Appendices and Background Documents

Linked Reports

- 'Establishment of Appointments Sub-Committee'. Item 4.2, [GP Committee, 16 June 2016](#)
- 'Review of proportionality and allocation of places on committees and panels of the Council 2016/17'. Item 11.4 [Council, 5 December 2016](#)

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:

- Matthew Mannion, Committee Service Manager 020 7364 4651.