


Non-Executive Report of the:  <b>COUNCIL</b>  Wednesday 18 May 2016	
<b>Report of:</b> Melanie Clay, Corporate Director, Law, Probity and Governance	<b>Classification:</b> Unrestricted
<b>Review of Proportionality and Establishment of Committees and Panels of the Council for 2016/17</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager, Democratic Services.
<b>Wards affected</b>	All wards

## Summary

This report reviews proportionality as required by section 15 of the Local Government & Housing Act 1989 ('The 1989 Act'), recommends the establishment of committees and sub-committees as set out in the Council's constitution and proposes the allocation of places on those committees and sub-committees between the political groups represented on the Authority.

The nominations from the groups for membership of those committees and sub-committees in accordance with the allocation of places; and certain other bodies not covered by the proportionality rules, will follow at Agenda Item 10.

Part 4.1 of the constitution states that the Annual Council Meeting will establish an Overview & Scrutiny Committee and such other committees/sub-committees as it considers appropriate to deal with matters which are neither Executive Functions nor reserved to the Council. The committees, sub-committees and other bodies appointed by the Council are listed at Part 3.3 of the constitution.

A number of changes to the arrangements for Non-Executive Committees are also proposed as set out later in this report. In addition, the Overview and Scrutiny Committees has recently set up a Grants Scrutiny Sub-Committee and a Housing Scrutiny Sub-Committee and proportionality details for those Sub-Committees are listed in this report.

## **Recommendations:**

That Council agrees:

- a) To establish a new 'General Purposes Committee' with the terms of reference as set out in Appendix 1.
- b) The review of proportionality as at section 3 of this report overleaf and agrees the allocation of seats on committees and panels for the Municipal Year 2016/17 as set out at paragraph 4.2.
- c) The committees and sub-committees established for the municipal year 2016/17, and places be allocated on those committees and sub-committees, as set out at paragraph 4.2 overleaf.
- d) To note the proposed arrangements for Overview and Scrutiny Sub-Committees.

## **1. REASONS FOR THE DECISIONS**

- 1.1 This report reviews proportionality as required by section 15 of the Local Government & Housing Act 1989 ('The 1989 Act'). It also reviews the arrangements for Non-Executive Committee to ensure that they continue to provide an efficient way of considering the required business to be conducted.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Council could determine to maintain the existing Non-Executive Committee arrangements.

## **3. DETAILS OF REPORT**

### **Review of Non-Executive Committees**

- 3.1 The Governance Review Group initially considered a discussion paper which was requested by the Mayor and the Director of Law, Probity & Governance setting out a number of options to restructure the non-executive committees of the Council based upon the practices of other authorities with similar leadership models. Each Political Group was then given an opportunity to consider the options and provide feedback. Following final consideration it is proposed to merge the current Human Resources and Appeals Committees into an enlarged General Purposes Committee.
- 3.2 At present, the Human Resources Committee, the General Purposes Committee and the Appeals Committee each have its own terms of references and work programmes to fulfil its functions. However, it is considered that a combined "General Purposes Committee", can effectively deal with the combined workload and a proposed new Terms of Reference is included at Appendix 1. The new Committee has a membership of 9 in line with the previous Appeals Committee.

3.3 The existing Appointments Sub-Committees and Employee Appeals Sub-Committee will now report to the new General Purposes Committee.

### **Review of Proportionality**

3.4 Section 15(1) of the 1989 Act requires the Council at, or as soon as practicable after, the Annual Meeting 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.

3.6 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.

3.7 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.

3.8 The current political composition of the Council is now as follows:

<b>GROUP</b>	<b>SEATS</b>	<b>PROPORTION ON COUNCIL</b>	<b>ENTITLEMENT</b>
Labour	23	56.10%	38.71 (39)
Independent Group	13	31.71%	21.87 (22)
Conservative	5	12.20%	7.23 (7)
Ungrouped	4	0*	0
	45	100%	68 (1 remainder)

\* According to the Local Government and Housing Act 1989, Section 15, proportions on Council are only allocated to Political Groups (see Section 3.1 above)

#### 4. Allocation of Places on Committees

4.1 The committees and panels established by the Council for the municipal year 2015/16 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:-

<b>Committee/panel</b>	<b>Total</b>	<b>Labour</b>	<b>Independent Group</b>	<b>Conservative</b>
Overview & Scrutiny Committee (plus 6 co-optees)	9	5	3	1
Audit Committee	7	4	2	1
Development Committee	7	4	2	1
Strategic Development Committee	8	5	2	1
(NEW) General Purposes Committee (merged with former HR and Appeals Committees)	9	5	3	1
Licensing Committee	15	8	6	1
Pensions Committee	7	4	2	1
Standards Advisory Committee (plus 7 co-optees)	7	4	2	1
<b>TOTALS</b>	<b>69</b>	<b>39</b>	<b>22</b>	<b>8</b>

\* The one 'remainder' seat has been allocated to the Conservative Group as they were closest to gaining an additional seat according to the calculations.

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. However, the expected sub-committee arrangements and memberships are set out below.

<b>Committee/Panel</b>	<b>Total</b>	<b>Labour</b>	<b>Independent Group</b>	<b>Conservative</b>
Health Scrutiny Sub-Committee	7	4	2	1
Housing Scrutiny Sub-Committee	7	4	2	1
Grants Scrutiny Sub-Committee	5	3	1	1

**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 legal considerations are set out in the main body of the report.

**Appendices**

Appendix 1 – Terms of Reference for the General Purposes Committee

---