


| | |
|---|---|
| Non-Executive Report of the: Council Wednesday, 25 May 2022 |  TOWER HAMLETS |
| Report of: Janet Fasan, Director of Legal and Monitoring Officer | Classification: Open (Unrestricted) |
| GROUP ALLOCATIONS, PROPORTIONALITY AND ALLOCATION OF PLACES ON COMMITTEES OF THE COUNCIL 2022/23 | |

| | |
|-------------------------------|--|
| Originating Officer(s) | Matthew Mannion, Head of Democratic Services |
| Wards affected | (All Wards); |

Executive 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 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 8.

Part B, Section 26 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 B, Sections 19-21 of the constitution. This report also briefly updates on arrangements for groups more generally following the election.

Recommendations:

The Council is recommended to:

1. Agree the review of proportionality as at Section 3 of this report and the allocation of seats on Committees and Sub-Committees for the municipal year 2022/23 as set out at Paragraph 3.12.
2. Agree to establish the Committees set out for the municipal year 2022/23, and for places to be allocated on those Committees, as set out at Paragraph 3.12.
3. Note the update on general group arrangements.

1. REASONS FOR THE DECISIONS

- 1.1 This report establishes the Council's Non-Executive Committees and reviews the proportionality as required by Section 15 of the Local Government and Housing Act 1989 ('The 1989 Act').

2. ALTERNATIVE OPTIONS

- 2.1 Council could determine a different arrangement of Committees to perform the required decision making and scrutiny functions.

3. DETAILS OF THE REPORT

- 3.1 Following the local elections held on 5 May 2022 a number of actions are required to be completed in relation to the Groups on the Council. This report provides Council with a brief update and asks for agreement on a number of matters relating to allocation of seats on Council Committees.

Establishment of Political Groups

- 3.2 Under the Local Government and Housing Act 1989, Members are required to notify the Monitoring Officer and Chief Executive of the formation of any political groups on the Council.
- 3.3 Where political groups are formed the Council will look to provide relevant support and the creation of groups also impacts committee arrangements such as allocation of seats.
- 3.4 The reports on this agenda impacted by the formation of groups are based on the formation of two groups, namely an Aspire Group (of 24 Councillors and the Mayor) and a Labour Group (of 19 Councillors). As two Members are required to form a group the Conservative and Green Councillors are considered to be 'ungrouped'.
- 3.5 Council is asked to note that suitable accommodation and facilities has been provided to the groups at the Town Hall and that, provision has also been made for the ungrouped Conservative and Green Councillors.

Proportionality and Allocation of Seats on Committees

- 3.6 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 of the authority allocated to each political group bears the same proportion as that group's proportion of the seats on the full Council.

3.7 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.

3.8 Neither the Cabinet, any executive sub-groups of the Cabinet, nor the Tower Hamlets Health and Wellbeing Board, are covered by the requirement for proportionality.

3.9 The political proportionality of the Council is as follows:

| GROUP | SEATS (on Council) | PROPORTION ON COUNCIL | ENTITLEMENT (to seats on Committees) |
|--------------|---------------------------|------------------------------|--|
| Aspire | 24 | 53.33% | 37.33 (37) |
| Labour | 19 | 42.22% | 29.56 (30) |
| Ungrouped | 2 | 0* | 0* |
| | | | (remainder of 3 seats which can be allocated to ungrouped Councillors) |
| | 45 | | 70 |

* Ungrouped Councillors are not included in the proportionality calculation. As two members are required to form a group the Conservative and Green Councillors are listed under 'ungrouped'.

3.10 According to the above calculation the Aspire Group would be entitled to 37 seats on these Committees. However, as the majority group they are entitled to a majority on all Council Committees. Therefore their allocation has been increased to 39 to meet that requirement. The Labour group is entitled to 30 seats as shown in the table below. That leaves one seat on the largest Committee for allocation to an ungrouped Councillor.

3.11 In addition, the Strategic Development Committee and the Audit Committee have been increased in size from 8 to 9 Members as even numbered memberships are not as compatible with the current proportionality calculations.

3.12 Applying the above principles, the proposed allocation of places on the Committees established by the Council for the municipal year 2022/23 and covered by the requirement for proportionality, are listed below. The allocations for the remainder of the municipal year or until the next review of proportionality, whichever is the sooner, is as follows:

| Committee | Total | Aspire | Labour | Ungrouped |
|--|--------------|---------------|---------------|------------------|
| Licensing Committee | 15 | 8 | 6 | 1 |
| Overview and Scrutiny (plus 2 co-optees) | 9 | 5 | 4 | |
| General Purposes Committee | 9 | 5 | 4 | |
| Audit Committee | 9 | 5 | 4 | |
| Strategic Development Committee | 9 | 5 | 4 | |
| Development Committee | 7 | 4 | 3 | |
| Pensions Committee | 7 | 4 | 3 | |
| Standards Advisory Committee (plus 5 co-optees) | 5 | 3 | 2 | |
| TOTALS | 70 | 39 | 30 | 1 |

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

3.14 It is for the Overview and Scrutiny Committee to agree arrangements for its own sub-committees and it is due to formally set out its sub-committee arrangements at its upcoming committee meeting. However, for a sub-committee with 7 Members, allocation of places would be as follows:

| Committee | Total | Aspire | Labour | Ungrouped |
|-------------------------------|--------------|---------------|---------------|------------------|
| Scrutiny Sub-Committee | 7 | 4 | 3 | 0 |

4. EQUALITIES IMPLICATIONS

- 4.1 The purpose of the report is to ensure all political groups receive an appropriate allocation of Non-Executive Committee Seats.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

- 5.2 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The principles of proportionality for allocation of places on committees are set out in Section 15 of the Local Government and Housing Act 1989. These principles require that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority. Further detailed rules for the allocation of seats on committees are set out in the Local Government (Committees and Political Groups) Regulations 1990.

- 7.2 The Council's Constitution requires full council to make appointments to committees, save where this power has been delegated.

- 7.3 The proposals set out in this report comply with the above legislation and guidance, and with the Council's Constitution.
-

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

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A