

Non-Executive Report of the:  <b>Council</b>  17 May 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>PROPORTIONALITY AND ALLOCATION OF PLACES ON COMMITTEES OF THE COUNCIL 2023/24</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	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 9.

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.

#### Human Resources Committee

This report also recommends the creation of a new Human Resources Committee to take on the relevant responsibilities currently covered by the General Purposes Committee.

### 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 2023/24 as set out at Paragraph 3.7.

2. Agree to establish the Committees set out for the municipal year 2023/24, and for places to be allocated on those Committees, as set out at Paragraph 3.7.
3. As part of Recommendation 2 above, to confirm the establishment of a new Human Resources Committee with Terms of Reference as set out in Appendix 1 to the report and with a new Special Responsibility Allowance for the Chair of £6,526.
4. To also agree subsequent changes to the General Purposes Committee Terms of Reference set out in Appendix 2 to the report to reflect the handover of responsibilities to the Human Resources Committee.
5. Note that consequential changes to the Constitution will be required and are noted as part of the Constitution report at Agenda Item 11.

## **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**

### Proportionality and Allocation of Seats on Committees

- 3.1 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.

- 3.2 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, any executive sub-groups of the Cabinet, nor the Tower Hamlets Health and Wellbeing Board, are covered by the requirement for proportionality.
- 3.4 The political proportionality of the Council is as follows:

<b>GROUP</b>	<b>SEATS (on Council)</b>	<b>PROPORTION ON COUNCIL</b>	<b>ENTITLEMENT (to seats on Committees)</b>
Aspire	24	53.33%	41.06 (41)
Labour	19	42.22%	32.51 (33)
Ungrouped	2	0*	0*
			(remainder of 1 seat which can be allocated to ungrouped Councillors)
	45		77

\* 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'.

- 3.5 According to the above calculation the Aspire Group would be entitled to 41 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 43 to meet that requirement. The Labour group is entitled to 33 seats as shown in the table below. That leaves one seat for allocation to an ungrouped Councillor on the largest committee.
- 3.6 The proposed new Human Resources Committee has been listed below with a membership of 7.
- 3.7 Applying the above principles, the proposed allocation of places on the Committees established by the Council for the municipal year 2023/24 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:

<b>Committee</b>	<b>Total</b>	<b>Aspire</b>	<b>Labour</b>	<b>Ungrouped</b>
<b>Licensing Committee</b>	15	8	6	1
<b>Overview and Scrutiny (plus 2 co-optees)</b>	9	5	4	
<b>Audit Committee</b>	9	5	4	

<b>Strategic Development Committee</b>	9	5	4	
<b>General Purposes Committee</b>	9	5	4	
<b>Human Resources Committee</b>	7	4	3	
<b>Development Committee</b>	7	4	3	
<b>Pensions Committee</b>	7	4	3	
<b>Standards Advisory Committee (plus 5 co-optees)</b>	5	3	2	
<b>TOTALS</b>	77	43	33	

- 3.8 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.
- 3.9 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:

<b>Committee</b>	Total	Aspire	Labour	Ungrouped
<b>Scrutiny Sub-Committee</b>	7	4	3	0

#### Human Resources Committee

- 3.10 At its Annual meeting on 20 May 2016, the Council agreed to decommission its Human Resources Committee and Appeals Committee and merge their functions into an enlarged General Purposes Committee Terms of Reference.
- 3.11 The intention was to streamline decision making and reduce the number of committee meetings that Members were required to attend. Whilst this worked to an extent it has meant that General Purposes Committee meetings have contained a significant number of HR matters which it hasn't been able to devote as much time to as it would like due to the other business on the agenda and vice versa.
- 3.12 It is therefore proposed to reinstate a new Human Resources Committee retaking ownership of all HR matters currently assigned to the General Purposes Committee (including those HR matters which were originally

managed by the Appeals Committee). This includes management of the Appointments Sub-Committee and the Employee Appeals Sub-Committee.

- 3.13 Appeals matters which are not on HR matters (such as education award appeals and appeals by governing bodies) would remain with the General Purposes Committee.
- 3.14 The new Committee will consist of 7 Members, allocated proportionally as in the above table. It will be scheduled to meet four times a year (further meetings can be arranged if required in line with Council Procedure Rules).
- 3.15 A proposed Terms of Reference is included at Appendix 1. The change will result in the General Purposes Committee losing some responsibilities and its amended Terms of Reference are set out in Appendix 2.
- 3.16 A number of factual consequential changes will be required to the Constitution to allow for this change. For example, changes to the Officer Employment Procedure Rules to show that the Human Resources Committee has taken over responsibilities for various functions. More information on how these changes will take place will be set out in the report at Agenda Item 11 on the meeting agenda.
- 3.17 The Chair will be entitled to a Special Responsibility Allowance of £6,526 in line with the allowances for the Audit Committee and Pensions Committee.
- 3.18 Should Council not agree to these changes then the General Purposes Committee will retain ownership of its existing responsibilities.

#### **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 and that Council has agreed appropriate Committee arrangements to support its work and decision-making responsibilities.

#### **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 The creation of a new committee results in an additional Special Responsibility Allowance of £6,526 for the Chair and there is sufficient provision within the Members Allowances budget to fund this increase. There may also be an increase if officer time for supporting the new committee which will need to be accommodated within existing resources.

## **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.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – proposed Human Resources Committee Terms of Reference
- Appendix 2 – proposed amended General Purposes Committee Terms of Reference

### **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