

<p>Non-Executive Report of the:</p> <p style="text-align: center;">Council</p> <p>Wednesday 24 January 2024</p>	
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>PROPORTIONALITY AND ALLOCATION OF PLACES ON COMMITTEES OF THE COUNCIL 2023/24</p>	

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.

A change in the political composition of the Council has occurred following Councillor Ayas Miah becoming an Independent (ungrouped) Member having previously been part of the Labour Group.

Consequent to this change, the Council must review the allocation of places on Committees and other bodies covered by the proportionality requirements in the Local Government and Housing Act 1989. The proposed new committee allocations are set out at paragraph 3.6 overleaf.

Recommendations:

The Council is recommended to:

1. Consider the review of proportionality as at Section 3 of this report and the allocation of seats on Committees and Sub-Committees for the remainder of the Municipal Year 2023/24 as set out at paragraph 3.6.
2. Note the Committees set out for the municipal year 2023/24 listed in paragraph 3.6 as agreed at the Annual Council meeting held on Wednesday 17 May 2023.
3. Agree any changes to the memberships (and substitutes) of those Committees as tabled at this Council meeting for approval.
4. To note that the Monitoring Officer is authorised to approve the appointment of Councillors required to fill positions that fall vacant during the municipal year in line with the proportionality arrangements set out in this report from nominations received from the political groups.
5. Agree that the Monitoring Officer 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 where there is only one application for the position (where there is more than one application these will be presented to Council for decision).

1. REASONS FOR THE DECISIONS

- 1.1 Changes to the political composition of the Council require a review of the proportionality calculations for the Council's Committees.

2. ALTERNATIVE OPTIONS

- 2.1 Council could determine a different arrangement of Committees to perform the required decision making and scrutiny functions and could also agree different changes to the proportionality on specific Committees to meet the same overall proportionality rules.

3. DETAILS OF THE REPORT

- 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 Following Councillor Ayas Miah's decision to become an Independent (ungrouped) Councillor, The political composition of the Council is as follows:

GROUP	SEATS (on Council)	PROPORTION ON COUNCIL	ENTITLEMENT (to seats on Committees)
Aspire	24	53.33%	41.06 (41)
Labour	18	40%	30.8 (31)
Ungrouped	3	0*	5 (remainder) – but see Para 3.5 below
	45		77

* Ungrouped Councillors are not included in the proportionality calculation. As two Councillors are required to form a group the Conservative, Green and Independent Councillors are included in the 'ungrouped' designation above.

Allocation of Places on Committees

3.5 According to the above calculation the Aspire Group would be entitled to 41 seats on these Committees, with the Labour Group being entitled to 31 and the remaining 5 being available for ungrouped Members. However, there is also a requirement in the above Act that the Aspire Group must have a majority on every Committee. This results in their allocation increasing to 43 and the ungrouped allocation consequently reducing to 3.

- 3.6 Applying the above principles, the proposed allocation of places on the Committees established by the Council for the remainder of 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:

Committee	Total	Aspire	Labour	Ungrouped
Licensing Committee	15	8	6	1
Overview and Scrutiny (plus 2 co-optees)	9	5	4	
Audit Committee	9	5	4	
Strategic Development Committee	9	5	3	1
General Purposes Committee	9	5	3	1
Human Resources Committee	7	4	3	
Development Committee	7	4	3	
Pensions Committee	7	4	3	
Standards Advisory Committee (plus 5 co-optees)	5	3	2	
TOTALS	77	43	31	3

- 3.7 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.
- 3.8 The changes result in two new places being available to ungrouped Members on Council Committees (Strategic Development Committee and General Purposes Committee). Any applications to fill those posts that are received before the Council meeting will be reported at the meeting and can be agreed by Council. Where vacancies remain, Council is asked to agree that the Monitoring Officer can confirm later expressions of interest providing there is only one application for each vacancy. Where there are multiple applications, a report will be presented to a future Council meeting asked for a decision to be taken.

- 3.9 It is for the Overview and Scrutiny Committee to agree arrangements for its own sub-committees but no changes are required following the above and so the Sub-Committees remain:

Committee	Total	Aspire	Labour
Scrutiny Sub-Committee	7	4	3

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.

- 5.2 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

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

7. COMMENTS OF LEGAL SERVICES

- 7.1 The legal considerations are set out in the main body of the report. At the Annual Meeting of Council on 17 May 2023, approval was given to the Director of Legal & Interim Monitoring Officer to approve appointments of Councillors in accordance with recommendation 4.

- 7.2 Part B, Section 24 (Functions of the Chief Executive, Monitoring Officer, Chief Officers and Corporate Directors) authorises the Monitoring Officer to make appointments to the Council's Committees in line with agreed proportionality calculations as nominated by the Council's political groups.

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