

Title of Report	Establishment and Composition of the Council's Committees, Commissions, Panels and Boards
For Consideration By	Council
Meeting Date	17 May 2023
Classification	Open
<u>Ward(s) Affected</u>	N/A
<u>Director</u>	Dawn Carter-McDonald, Director of Legal, Democratic & Electoral Services

1. **Summary**

- 1.1. This report requests the Council to establish its Committees and Scrutiny Commissions and other Panels and Boards for the 2023 / 2024 municipal year.
- 1.2. The terms of reference of all Council Committees, Commissions, Panels and Boards are set out in Part 3 of the Council's Constitution. This report also requests Council to approve the membership of these Committees etc. and the appointment of Chairs and Vice-Chairs.

2. **Recommendations**

- 2.1. **That the Committees, Sub-Committees, Commissions, Panels and Boards as referred to in this report and the accompanying appendices be established for the 2023 / 2024 municipal year.**
- 2.2. **That the appointments to those Committees etc. as set out in Appendices 2 and 3 attached to this report be approved.**
- 2.3. **That the nominations for Chairs and Vice-Chairs to those Committees etc. as set out in Appendix 2 to this report be approved.**

3. **Background**

- 3.1. The Local Government and Housing Act 1989 ("LGHA") requires that the Council reviews the political composition of the Council, and how this is applied to appointments to committees and sub-committees of the Council.

In the case of an election year, this review is required to be done at the Annual Meeting or as soon as practicable after that meeting.

- 3.2. The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the LGHA and the Local Government (Committees and Political Groups) Regulations 1990.
- 3.3. The Council is under a duty to:
 - (a) Ensure that the membership of those committees and sub-committees covered by the rules reflect the political composition of the Council, as far as practicable;
 - (b) Review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified times for example, as a result of changes in political balance or an increase in the number of committees established;
 - (c) Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council, as far as practicable;
 - (d) Accept nominations made by the groups for the filling of seats allocated to them.
- 3.4. In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:
 - (a) Not all seats are to be allocated to the same political group;
 - (b) If a political group has a majority on the Council, it must have a majority of seats on committees;
 - (c) Subject to (a) and (b) above, the total of all seats on ordinary committees be allocated to the groups in proportion to their respective strengths on the Council; and
 - (d) Subject to (a) to (c) above the number of seats on ordinary committees or sub-committees to be allocated to each political group in proportion to the number of all the seats on the committee or sub-committee in proportion to their respective strengths on the Council.
- 3.5. As per the Local Government (Committees and Political Groups) Regulations 1990, appointments are made in accordance with the wishes of a political group. Then, as long as that person's seat continues to be allocated to that group, the authority or committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment. If a group fails to express its wishes within a period of three weeks of being notified of the

allocation or vacancy, the Council may make such appointment as it thinks fit.

- 3.6. Independent Members who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations, are to be allocated in accordance with section 16(3) of the Regulations: i.e. any seats not allocated according to the requirements in section 15 and 16 of the Act are to be allocated to members who are not members of any political group.

Application of political balance rules to the Council's committees etc.

- 3.7. As stated above, the rules on political balance apply to ordinary committees of the Council, plus any other committees where statute provides that they are to be subject to political balance.
- 3.8. Ordinary Committees are those established under s101 and s102 of the Local Government Act 1972. The following are the Council's ordinary committees (in alphabetical order):

- Appointments Committee
- Audit Committee
- Corporate Committee
- Pensions Committee
- Planning Sub-Committee
- Standards Committee

- 3.9. The Licensing Committee is not an ordinary committee because it is established under s6 of the Licensing Act 2003, which prescribes that it must contain not less than 10 and not more than 15 members. The Licensing Sub-Committees are similarly not ordinary committees as these exist by virtue of section 10 of the Licensing Act 2003, which permits the delegation of the functions of the Licensing Committee to one or more sub-committees. However, the Council has previously applied the political balance rules to the Licensing Committee and this convention is followed again this year. The Sub-Committees which will be established by the Licensing Committee in due course will not be subject to the political balance rules.
- 3.10. Although scrutiny committees are established under the Local Government Act 2000 rather than the Local Government Act 1972, section 9FA(6)(b) of the Act provides that they are to be subject to the rules on political balance under the LGHA. This applies to all of the Council's scrutiny panels and commissions as follows:

- Children and Young People Scrutiny Commission
- Health in Hackney Scrutiny Commission
- Living in Hackney Scrutiny Commission
- Scrutiny Panel
- Working in Hackney Scrutiny Commission

- 3.11. Section 9GC of the Local Government Act 2000 provides that neither a local authority executive nor committees of local authority executives are to be regarded as a body to which the rules on political balance under the LGHA apply.
- 3.12. The Health and Wellbeing Board is not an ordinary committee, as its establishment is mandated by section 194 of the Health and Social Care Act 2012. Section 194 also prescribes who may be a member of the Board and as such Councillor appointments to the Board are made by the Elected Mayor.
- 3.13. The membership of the Constitution Committee was agreed as part of the approval of its terms of reference in January 2022 and as such it is not subject to the rules on political balance.
- 3.14. Ward Forums are not ordinary committees of the Council. Ward Forums have been established to represent and promote the needs of each ward within the Council; each Ward Forum is led by the elected members of that ward.
- 3.15. Finally, the political balance rules do not apply to the Council Joint Committee which is a joint advisory group with the trade unions and not a formal committee of the Council.

Method to calculate places

- 3.16. The principles in paragraph 3.4 above are applied as follows:
- Calculate the total number of seats with votes on all the committees subject to the rules on political balance.
 - Calculate the proportion that each political group forms from the membership of the Authority. Reserve an appropriate number of seats for any ungrouped members.
 - Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in an aggregate greater of fewer than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
 - Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
 - Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the proportion of seats calculated previously. Where calculations identify additional seats (not allocated), the largest group followed by the next largest group etc, will have their choice of which

committee places they wish to take their allocation from in the unallocated/independent / vacant columns.

- Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council.

3.17. Appendix 1 to this report provides the detailed calculations of the proportions and allocations.

Appointments to Committees etc.

3.18. Having regard to the calculations on political balance, where they apply, nominations for each of the Council's committees etc. (including those to which political balance does not apply) have been received from the political groups. These are set out in Appendix 2 to this report.

3.19. In the case of the Scrutiny Panel, the convention has been that the Chairs and Vice-Chairs of each of the Scrutiny Commissions are appointed to the Panel with the remaining Labour Group nominee being someone who neither sits on the executive nor on any of the Commissions.

3.20. As regards the Children and Young Person's Scrutiny Commission, a number of persons are co-opted members of that Commission and these appointments are detailed in Appendix 3.

3.21. In addition to the Licensing Committee, five Sub-Committees (named A-E) are established comprising three members drawn from the membership of the Licensing Committee.

3.22. Membership of the Planning Sub-Committee is drawn from the membership of the Corporate Committee, whilst maintaining the appropriate political balance.

3.23. Council is also asked to approve the nominations for Chairs and Vice-Chairs of the various Committees etc. in order to ensure that the functions of those bodies can be carried out in advance of their first meetings as set out in the calendar of meetings. The appointments will be noted at the first meeting of those bodies.

3.24. An extraordinary meeting has been called for the Corporate Committee to formally appoint members to sit on the Planning Sub-Committee and to note the appointment of the Chairs and Vice-Chairs in order to permit the Planning Sub-Committee to meet as scheduled on 16 June 2022, which is prior to the next scheduled meeting of the Corporate Committee.

4. **Comments of the Group Director of Finance and Corporate Resources.**
 - 4.1. There are no additional budgetary implications arising from the changes outlined in this report. All costs are contained within the current approved budget.
5. **Comments of the Director of Legal, Democratic and Electoral Services**
 - 5.1. Other than as set out in the report there are no legal implications arising.

Appendices

Appendix 1 - Calculation of political balance
 Appendix 2a, 2b, 2c - Nominations to Council Committees etc.
 Appendix 3 - Children and Young Person's Scrutiny Commission Co-Opted Members

Background documents

None

Report Author	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817
Comments for the Group Director of Finance and Corporate Resources prepared by	Deirdre Worrell Director of Finance, Climate, Homes and Economy and Chief Executive's Directorate deirdre.worrell@hackney.gov.uk 020 8356 7350
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Dawn Carter-McDonald Director of Legal, Democratic and Electoral Services dawn.carter-mcdonald@hackney.gov.uk 020 8356 6234