

# **Committee: Annual Council**

**Date:** 15 May 2013

## **Agenda item: 7**

**Wards:** All

**Subject:** Constitution of Committees and other bodies

**Lead officer:** Director of Corporate Services

**Lead Member:** Councillor Stephen Alambritis, Leader of the Council

**Contact Officer:** David Dunford, Assistant Head of Democracy Services

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### **Recommendations:** That the Council

- A. Approves the constitution of the committees and panels set out in appendix A and agrees the allocation of seats, chair and vice-chair positions and the appointments of members to those seats;
- B. Approves the constitution of the consultative and other bodies set out in appendix B and agrees the allocation of seats, chair and vice-chair positions and the appointments of members to those seats;
- C. Agrees the allocation of seats on outside organisations set out in appendix C and the appointments of members to those seats;
- D. Agrees the terms of reference of the joint health scrutiny committee set out in appendix D;
- E. Agrees the terms of reference of consultative and other bodies set out in appendix E;
- F. That Council note that, in respect of the Mayor of Merton's Charitable Trust, Councillor John Bowcott and Councillor Gilli Lewis-Lavender have resigned with effect 16 May and secondly that the Council note the appointment of the incoming Mayor and Deputy Mayor as trustees from 16 May; and
- G. Note that the Executive Leader has not made any changes to appointments to his Cabinet or to respective portfolios – Appendix F.

#### **1. Purpose of report and executive summary**

- 1.1 This report recommends that Council establish committees, sub-committees, scrutiny panels (appendix A), together with other consultative bodies (appendix B) for the year 2013-14, allocates the seats on those bodies to political groups represented on the Council in accordance with the statutory proportionality rules and agrees to the appointment of the groups' nominees;
- 1.2 The report recommends that the Council agrees the allocation of seats on outside organisations to political groups and agrees to the appointment of the groups' nominees;
- 1.3 The report recommends that the Council agrees the terms of reference of joint health scrutiny committee in which the Council participates (appendix D) and the Council's consultative bodies (appendix E).

1.4 The report also updates the Council on any changes to the committees proposed to be established since the last annual meeting of the Council and on any changes to membership affecting the application of the statutory proportionality rules.

## **2. Changes since the last annual meeting**

### **2.1 Town Centre Partnerships**

Council at its 11 July 2012 meeting agreed deletion of the 'Town Centre Partnerships' from the list of outside bodies noting that they had ceased to meet and have been replaced with Town Centre Business Forums these being administered by the Merton Chamber of Commerce.

### **2.2 Merton, Sutton and Surrey Joint Health Scrutiny Committee**

This body has not met for some considerable time and it is confirmed that neither Sutton or Surrey intend to reconstitute this particular committee. Council is advised that there is not a need for it to make appointments to the Joint Health Committee and that the matter of proportionality arising from its dissolution has been brought to the attention of the effected groups.

### **2.3 Standards Committee**

Council at its 11 July 2012 meeting noting the new standards regime, agreed that the Standards Committee is constituted as a proportional committee.

### **2.4 Pollards Hill Estates Committee**

Council at its 21 November 2012 meeting agreed to the addition of the Pollards Hill Community Committee (PHCC) to the Council's list of 'Outside Bodies' and that members are appointed to the PHCC on the basis of two ward councillors for the area and one Conservative member.

### **2.5 Health and Wellbeing Board**

Council at its 27 March 2013 meeting agreed the constitution of a Health and Wellbeing Board in order to support the Council's new responsibility for Public Health. The Board is constituted as a non-proportional committee and the Chair of the Board is appointed by the Executive Leader of the Council.

### **2.6 Adoption and Fostering Panel**

Under recently revised regulations there is no longer a requirement to appoint a member to the Adoption and Fostering Panel. This body is not, therefore, required to be constituted by Council.

### **2.7 Mayor's Charitable Trust**

Council is advised that appointment of new trustees (the incoming Mayor and Deputy Mayor) agreed (in accordance with the Trust Deed) by the Trust Board at its meeting on 16 April 2013.

### **3. Alternative options**

- 3.1 The Council must appoint at least one Overview and Scrutiny Committee, a Licensing Committee and a Health and Wellbeing Board. All other committees are constituted at the discretion of the Council.
- 3.2 The Council must allocate seats on the committees and sub-committees set out in Appendix A in accordance with statutory proportionality rules (with the exception of the Health and Wellbeing Board). All other seats may be allocated to groups at the Council's discretion.
- 3.3 The Council must establish a Standing Advisory Council on Religious Education and appoint members to it. The establishment of all other bodies set out in Appendix B is within the Council's discretion as are the terms of reference set out in appendix E.
- 3.4 Participation in the outside organisations and allocation of seats set out in appendix C is within the Council's discretion except where indicated as being within the executive leader's discretion.
- 3.5 Participation in joint health scrutiny committees is within the Council's discretion.
- 3.6 The Council has adopted the strong leader governance model under which Councillor Stephen Alambritis was appointed as the executive leader of the Council at the annual meeting in 2010 for a period of four years. The appointment of deputy leader and cabinet members and allocation of executive duties is a matter for the executive leader.

### **4. Consultation undertaken or proposed**

- 4.1 Political groups have been invited to make their appointments to the seats allocated to them. The Council must agree to appoint members nominated by the political groups to the seats allocated to those groups. The complete list of nominations will be circulated at the earliest opportunity.

#### **Timetable**

- 4.2 The constitution of the committees set out here is for the year 2013-14 and takes immediate effect. Unless otherwise indicated all of these bodies will be established until the next annual meeting of the Council. The Council may review the committees it has established at any time. The Council must review the allocation of seats to political groups when there is a change in the political balance of the Council.

### **5. Legal and statutory implications**

- 5.1 The Local Government Act 2000 makes provisions with respect to the function and procedures of local authorities. The Merton Constitution has been produced having regard to the provisions of the Act, Statutory Instruments and guidance from Central Government. The proposals within this report comply with the statutory requirements.
- 5.2 The Local Government Act 1972 contains provisions on the discharge of functions, meetings and proceedings of local authorities and access to information.

- 5.3 The Housing and Local Government Act 1989 contains provisions concerning the political balance on committees, the duty to allocate seats to political groups, and the duty to give effect to allocations.
- 5.4 The Licensing Act 2003 requires the Council to appoint a Licensing Committee.
- 5.5 The statutory requirement to have voting co-opted members for certain issues has been complied with by having 2 Church and 2 Parent Governors on the Overview and Scrutiny Commission (and the relevant education Panel).
- 5.6 The Council is under a statutory duty to review the representation of different political groups on the Council at its annual meeting. The purpose of the legislation is to ensure that a 'political balance' is secured on council committees, sub-committees etc. so as to reflect the overall political composition of the Council.
- 5.7 Once the review has been completed there is a second statutory duty to make a determination as to political representation. This requirement to allocate seats must be made in accordance with the following statutory principles:
- a) All of the seats are not to be allocated to the same political group.
  - b) The majority of the seats go to the political group with a majority on the full Council.
  - c) Subject to the above two principles, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to the proportion on the full Council.
  - d) Subject to the above three principles, the number of seats on each ordinary committee of the Council allocated to each political group must bear the same proportion on the full Council.

**6. Appendices – the following documents are to be published with this report and form part of the report**

- 6.1 Appendix A – Committees and sub-committees to be constituted and allocation of seats to political groups
- 6.2 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups
- 6.3 Appendix C – Allocation of seats on outside organisations.
- 6.4 Appendix D - Terms of reference of joint health scrutiny committee
- 6.5 Appendix E - Terms of reference of consultative and other bodies established by the Council
- 6.6 Appendix F – Executive Leader’s appointments to his Cabinet and their respective portfolios.