

Committee: Annual Council

Date: 23 May 2018

Wards: All

Subject: Constitution of Committees and Other Bodies

Lead officer: Paul Evans, Assistant Director of Corporate Governance

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Recommendations:

That the Council:

- A.
 - i) approves the constitution of committees, sub-committees and scrutiny bodies set out in Appendix A (to follow) and;
 - ii) agrees the allocation of seats, chair and vice-chair positions and the appointment of members to those seats;
- B.
 - i) approves the constitution of consultative forums and other bodies set out in Appendix B (to follow); and
 - ii) agrees the appointment of members to those seats;
- C. agrees the allocation of seats and appointment to the outside organisations as detailed in Appendix C (to follow).
- D. agrees the terms of reference of consultative and other bodies appointed by the Council, detailed in Appendix D.
- E. if known, notes the appointment, made by the Leader, of the Deputy Leader and his/her respective portfolio, appointments to the Cabinet including their respective portfolios; and, if appointments are made, Assistant Cabinet members including their areas of responsibility (Appendix E to follow if the detail is known);

N.B. the Leader's appointments will be reported to a subsequent Council meeting in the event that the Leader is not in a position to report to this meeting;
- F. agree the amended terms of reference of the Mertantun Development Limited Sub-Committee, as set out in Appendix F.
- G. agree the membership and note the amended Terms of Reference and Rules of Procedure for the South West London and Surrey Joint Health Overview and Scrutiny Committee (JHOSC) as set out in Appendix G.
- H. agrees that the Council's Constitution be amended to incorporate any changes resulting from the approval of recommendations A to G.

1. Purpose of report and executive summary

- 1.1 This report recommends that The Council establish committees, sub-committees, and scrutiny panels, together with other consultative bodies for the year 2017-18, 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 and agrees to the appointment of the political groups' nominees.

2. Alternative options

- 2.1 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.
- 2.2 The Council must allocate seats on the committees and sub-committees set out in Appendix B 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.
- 2.3 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.
- 2.4 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. Establishment of a Joint Health Overview and Scrutiny Committee for South West London and Surrey County Council.

- 3.1 Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, local authorities may establish a joint health overview and scrutiny committee to undertake health scrutiny functions on their behalf, and must establish a joint health overview and scrutiny committee to respond to consultation on proposals for substantial variation in health services affecting more than one local authority area.
- 3.2 Discussions between officers responsible for health scrutiny across South West London and Surrey County Council has concluded that the best way forward is the continuation of a Standing Joint Health Overview and Scrutiny Committee, with responsibility for responding to consultations on substantial service change affecting multiple boroughs across the area. This has proved to be a useful way to obviate the need to go through a separate decision-making process each time a consultation requiring the establishment of a Joint Health Overview and Scrutiny Committee is initiated, enabling local authorities to respond more rapidly and saving officer and member time. The draft terms of reference and rules of procedure are attached as Appendix G. Points to note are:

- There will be two members of the Committee for each local authority represented, appointed in accordance with local procedures. Local authorities are also encouraged to nominate substitutes to attend when their primary representatives are unable to.
- The Committee will have the power to establish sub-committees, and much of the work in relation to specific consultation will be undertaken in these sub-committees. The members of a sub-committee may be members of the main committee, but constituent local authorities may also nominate another representative to serve on a specific sub-committee.
- Where a consultation affects some, but not all, of the constituent areas voting membership of the relevant sub-committee will be restricted to the authorities directly affected. Thus, for example, the sub-committee responding to consultation on the Mental Health Trust's estates strategy would not include Croydon as a voting member.
- There is no minimum frequency of meetings of the Committee, and when there are no current consultations there will be no need for the committee to meet.
- The life of the Committee will be for a maximum of four years. Constituent areas will nominate members annually, and there will be an annual election for the Chair and Vice-Chair of the Committee.

3.3 The first meeting of the Standing Joint Health Overview and Scrutiny Committee is due to take place in June 2018 at Merton Civic Centre. Secretarial services for this meeting will be provided by the London Borough of Merton. The initial meeting will consider:

- Agreement of the terms of reference and rules of procedure;
- Election of a Chair and Vice-Chair;
- Epsom and St Helier Strategic Outline Case and Commissioners response.
- Establishment of a sub-committee to consider and respond to the Acute Sustainability Programme.
- To decide whether to delegate the power of referral to the sub-committee or retain within each local authority.

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 2018/19 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. Merton's 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.

4.5 The statutory requirement to have voting co-opted members on scrutiny has been met. There are two parent governors and a representative from both the Roman Catholic (currently vacant) and Church of England Diocese on the Overview and Scrutiny Commission and Children and Young People Panel.

5.5 The Council has 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.

5.6 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 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 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 (to follow)
- 6.2 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups (to follow)
- 6.3 Appendix C – Allocation of seats on outside organisations (to follow)
- 6.4 Appendix D – Terms of reference of Consultative and other bodies established by the Council
- 6.5 Appendix E – Executive Leader’s appointments to the Cabinet and their respective portfolios (subject to availability)
- 6.6 Appendix F – Terms of reference of the Merantun Development Limited Sub-Committee, established by the Cabinet.
- 6.7 Appendix G – Terms of reference and Rules of Procedure of the South West London and Surrey Joint Health Overview and Scrutiny Committee (JHOSC)

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