

Committee: Annual Council

Date: 17 May 2023

Wards: All

Subject: Constitution of Committees and Other Bodies

Lead officer: Louise Round, Managing Director, South London Legal Partnership

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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 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 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.
- D. notes the appointments to the Cabinet including their respective portfolios in Appendix D
- E. Agrees the amended Terms of Reference for the Planning Applications Committee as detailed at Appendix E
- F. agrees that the Council's Constitution be amended to incorporate any changes resulting from the approval of recommendations A to E.

1. Purpose of report and executive summary

- 1.1 This report recommends the establishment of committee, sub-committee, and scrutiny panels, together with other consultative bodies for the year 2023/24; and the allocation of the seats on those bodies to political groups represented on the Council in accordance with the statutory proportionality rules and agree 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 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.
- 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. Consultation undertaken or proposed

- 3.1 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.

4. Amended Terms of Reference Planning Applications Committee

- 4.1 It is proposed to merge the current functions of the Borough Plan Advisory Committee into the Planning Applications Committee and to rename it the Development and Planning Applications Committee. The amended terms of reference are therefore included at Appendix E.

5. Timetable

- 3.1 The constitution of the committees set out here is for the year 2023/24 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.

6. Legal and statutory implications

- 6.1 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.
- 6.2 The Local Government Act 1972 contains provisions on the discharge of functions, meetings and proceedings of local authorities and access to information.

- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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 their 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 to their proportion on the full Council.
- 6.7 Appendices – the following documents are to be published with this report and form part of the report
- 6.7 Appendix A – Committees and sub-committees to be constituted and allocation of seats to political groups (to follow)
- 6.8 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups (to follow)
- 6.9 Appendix C – Allocation of seats on outside organisations (to follow)
- 6.10 Appendix D – Executive Leader's appointments to the Cabinet and their respective portfolios (to follow)
- 6.11 Appendix E – Amended terms of reference for the Development and Planning Applications Committee

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