

Agenda Item 6

COUNCIL	DATE 22 May 2024
TITLE Constitution of Committees and Other Bodies	WARDS All
CHIEF OFFICER Chief Executive	CABINET/LEAD MEMBER Leader of the Council
DECISION CLASSIFICATION Non-exempt report Non-exempt appendices	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes

1 Recommendations:

- 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;
iii) agrees the terms of reference of such bodies to be as currently set out in the Constitution.
- B. i) approves the constitution of consultative forums and other bodies set out at Appendix B and
ii) agrees the appointments of members to those seats
iii) agrees the terms of reference of such bodies to be as currently set out in the Constitution.
- C. agrees the allocation of seats and appointment to the outside organisations as detailed in Appendix C.
- D. agrees the terms of reference of consultative and other bodies appointed by the Council where these are not included within the Constitution as detailed in Appendix D.
- E. notes the appointment to the Cabinet including their respective portfolios in Appendix E.
- F. agrees that the Council's Constitution be amended to incorporate any changes resulting from the approval of recommendations A to E.

2 Purpose of Report and Executive Summary

- 2.1 This report recommends the establishment of committee, sub-committee and scrutiny panels, together with other consultative bodies for the municipal year 2024/25 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.

3 Links to the Merton Priorities (Borough of Sport/Civic Pride/Sustainable Futures)

- 3.1 This report relates to the Council's Strategic priorities as follows:
The report enables the Council to establish its committees and panels which make decisions that assist the Council to work towards achieving the Council's Strategic Priorities.

4 Introduction and Background

- 4.1 The report recommends that the Council agrees the allocation of seats on outside nominations and agrees to the appointment of the political groups' nominees.

5 Available Options & Preferred Option

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

6 Preferred Option

- 6.1 To agree the recommendations as set out in the report and accompanying appendices.

7 Reasons for Recommendations

- 7.1 The recommendations will enable the Council to discharge its functions effectively and efficiently.

8 Consultation Results

8.1 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 as the earliest opportunity.

9 Next Steps & Timetable: Communication and Implementation of the Decision

9.1 The constitution of committees set out within this report is for the municipal year 2024/25 and if approved 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.

10 Report Appendices

10.1 The following documents are to be published with and form part of the report:

- Appendix A: Committees and sub-committees to be constituted and allocation of seats to political groups (to follow)
- Appendix B: Consultative and other bodies to be constituted and allocation of seats to political groups (to follow)
- Appendix C: Allocation of seats on outside organisations (to follow)
- Appendix D: Terms of Reference for Consultative and other Bodies (to follow)
- Appendix E: Executive Leader's appointments to the Cabinet and their respective portfolios (to follow)

11 Background Papers

11.1 None.

12 Cross-Cutting Issues and Implications and Sign-Off

Issue	Implications	Sign-off
Legal including Human Rights Act	<ul style="list-style-type: none">• This report forms part of the required business of the Annual Meeting of the Council as stated in the Council's Constitution Part 4A para 1.2(i) and 1.3(a-e).• The Local Government Act 2000 makes provisions with respect to the function and procedures of local authorities. The Council's Constitution has been produced having regard to the provisions of	John Scarborough, Monitoring Officer, 11 May 2024

Issue	Implications	Sign-off
	<p>the Act, statutory instruments and guidance from Central Government. The proposals within this report comply with the statutory requirements.</p> <ul style="list-style-type: none"> • The Local Government Act 1972 contains provisions on the discharge of functions, meetings and proceedings of local authorities and access to information. • 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. • The Licensing Act 2003 requires the Council to appoint a Licensing Committee. • The statutory requirement to have voting co-opted members on scrutiny has been met. There are two parent governors (one currently vacant) and a representative from both the Roman Catholic and Church of England Diocese on the Overview and Scrutiny Commission and Children and Young People Panel. • The Council has a statutory duty to review the representation of different political groups on the Council at its annual meeting. The purposes 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. • 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 (as far as reasonably practicable): 	

Issue	Implications	Sign-off
	<ul style="list-style-type: none"> 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 full Council. 	
Finance and other resources	There will be changes to Member's Allowances receivable by some Councillors as a result of the changes proposed but this will not result in an overall increase in the cost of Member's Allowances to the Council. The cost of Members Allowances will therefore continue to be funded from within the existing revenue budget provision.	Ellis Kelly, Head of Accountancy 14 May 2024
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Amy Dumitrescu Head of Democracy Services 19 April 2024
Climate change	Whilst all meetings will have some environmental impact in terms of energy used within the buildings and transport to and from the meeting, meetings are predominantly paperless to reduce environmental impact, with all meeting documents available electronically and paper copies only provided where required for accessibility reasons.	Amy Dumitrescu Head of Democracy Services 19 April 2024

Issue	Implications	Sign-off
	<p>The Council encourages sustainable travel – the vast majority of meetings will be held at the Civic Centre which is close to public transport links</p> <p>Meetings of outside bodies will have some environmental impact. Responsibility for that resides with those bodies.</p>	
Executive Director	Clearance/Approval of Report	Polly Cziok, Executive Director Innovation & Change 14 May 2024
Cabinet Member	Clearance/Approval of Report	Councillor Ross Garrod, Leader of the Council 15 May 2024
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