

Committee/Date:	Council, 25 May 2023
Report Title:	Establishment and Appointment of Committees and Other Council Bodies 2023/24
Directorate:	Resources
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Wards affected:	None specifically
Public Access:	Open
Appendices:	Appendix A – Committees and Other Bodies 2023/24 Appendix B – Ready Reckoner for Propotionality

## 1. SUMMARY

- 1.1 This report concerns the establishment of committees and appointment of councillors on committees and other bodies in 2023/24. It is the Council’s duty to ensure that appointments to which the political balance regulations relating are made in accordance with those regulations.
- 1.2 A list is attached of the committees and other Council bodies concerned (**Appendix A**). This shows the number of seats proposed for each body in 2023/24. A ‘ready reckoner’ for use as a guide in allocating seats to political parties to reflect the political balance of the Council is attached (**Appendix B**).

## 2. RECOMMENDATION

- 2.1. Council is asked to:
- 2.1.1. **appoint** standing committees for the Municipal Year 2023/24 (taking into account the changes set out below);
  - 2.1.2. **decide** the number of seats on all committees;
  - 2.1.3. **determine** the allocation of seats on committees to party groups, in accordance with the political balance rules;
  - 2.1.4. **appoint** councillors to sit on committees in accordance with nominations made by the Group Whips;
  - 2.1.5. **appoint** the Chairs and Vice-Chairs of committees for 2023/24;
  - 2.1.6. **appoint** councillors to serve on the other Council bodies listed in **Appendix A**;

(Specific proposals and nominations submitted by the Group Whips will be circulated with the Order Paper for the meeting.)

- 2.1.7. **agree** that the terms of reference of Standing Committees for 2023/24 shall be as set out in the Council's Constitution;
- 2.1.8. **note** the memberships of the Boards of Directors of the Local Authority Trading Companies.
- 2.1.9. **agree** that all councillors will be appointed as supernumerary members to substitute when a named member of a committee is unable to attend a meeting, in accordance with the Council's scheme for the appointment of substitute members; Group Leaders and/or Group Whips being able to agree substitutions in respect of members of their party groups; that in respect of the Health and Wellbeing Board, Executive members may be substituted only by other members of the Executive; and that, in respect of any Scrutiny Committee, Executive members cannot serve as substitutes. (Note: The supernumerary arrangements do not apply to the Cabinet);
- 2.1.10. **agree** the consequential amendments to the Constitution arising from these decisions are to be finalised and published by the Director of Governance and Law.

### **3. BACKGROUND**

- 3.1. The Council is required, under the Local Government & Housing Act 1989 (ss. 15-17) and the Regulations made under that Act, to comply with political balance rules when appointing 'Ordinary' Committees (i.e. committees appointed under Sections 101 and 102 of the Local Government Act 1972).
- 3.2. The Rules provide that seats on 'Ordinary' Committees must be allocated in line with the following principles in order of precedence:
  - (a) That not all seats on a body are allocated to the same political group.
  - (b) That the majority of seats on the body are allocated to a political group which has a majority of the Council's membership.
  - (c) That, subject to principles (a) and (b) above, the total number of seats across all the ordinary Committees shall be allocated to each political group in the proportion of their size on the Council as a whole.
  - (d) That, subject to principles (a) to (c) above, seats on each individual body shall be allocated to each political group in the same proportion as to their size on the Council as a whole.
- 3.3. Principle (d) (but not principles (a), (b) or (c)) also applies to sub-committees and advisory committees.
- 3.4. The political balance of the authority (60 councillors) is as follows:

Labour	46 councillors (76.67%)
Conservative	13 councillors (21.67%)
Independent	1 councillor (1.67%)

#### 4. COMMITTEE APPOINTMENTS

##### Ordinary Committees

- 4.1. Ordinary Committees are those appointed under Sections 101 and 102 of the Local Government Act 1972. Ordinary Committees appointed by the Council, and the current number of seats on each are as follows:

Audit & Governance Committee	6 seats (4 of which are allocated to councillors, and two to independent persons, non-voting members)
Licensing (General) Committee	15 seats
Pensions Fund Committee	5 seats
Planning Committee	5 seats
Staffing committee	10 seats
<b>TOTAL</b>	<b>39 SEATS FOR COUNCILLORS</b> (plus two independent persons)

- 4.2. If seats on these committees are allocated so that each of the committees concerned reflects (as closely as possible) the overall political balance of the Council, the result would be as follows:

**Table A – allocation of seats on individual bodies in proportion to each party’s size on the Council** (The proposed allocation of seats is shown in **bold**.)

<b>Committee</b>	<b>Councillor Membership</b>	<b>Lab (46)</b>	<b>Cons (13)</b>	<b>Ind (1)</b>	<b>Notes:</b>
Audit and Governance Committee	4	<b>3</b> (3.06)	<b>1</b> (0.87)	<b>0</b> (0.08)	Plus two independent co-opted members.
Licensing (General) Committee	15	<b>12</b> (11.5)	<b>3</b> (3.25)	<b>0</b> (0.25)	
Pension Fund Committee	5	<b>4</b> (3.83)	<b>1</b> (1.08)	<b>0</b> (0.08)	
Planning Committee	5	<b>4</b> (3.83)	<b>1</b> (1.08)	<b>0</b> (0.08)	
Staffing Committee	10	<b>8</b> (7.66)	<b>2</b> (2.16)	<b>0</b> (0.16)	

- 4.3. If seats are allocated as shown above, the total number of seats allocated to each party, compared to each party's overall entitlement to seats as required by principle (c) (i.e., that the total number of all the seats to be allocated reflects, **as closely as practicable**, the strength of each group on the Council as a whole), would be:

**Table B – Total number of seats allocated to each party**

	<b>Total number of seats (Ordinary committees)</b>	<b>Lab</b>	<b>Con</b>	<b>Ind</b>
Total of all seats that would result from the allocations shown in Table A	39	31	8	0
Entitlement in accordance with principle (c)	39	31	8	0

**Overview & Scrutiny Committees, Advisory and relevant other committees and Outside Bodies**

- 4.4. Principles (a), (b) and (d) of the Rules also apply to Overview & Scrutiny Committees and sub-committees. However, because these are bodies established under the Local Government Act 2000 (and not section 101 or 102 of the Local Government Act 1972), they are not included when calculating the total number of seats on ordinary committees (principle c).
- 4.5. Consequently, Scrutiny Committees and sub-committees should be balanced but on an individual basis. The same situation applies to advisory committees (relating to Council functions) and certain outside bodies.
- 4.6. The proportionality arrangements may be varied by the Council provided no committee subject to political balance is made up solely of members of one political group, and no Member of the Council votes against alternative arrangements. (Local Government & Housing Act 1989 s17(1)(b)).

**5. COMMITTEES NOT SUBJECT TO THE POLITICAL BALANCE RULES**

- 5.1. The following bodies are entirely excluded from the Political Balance Rules:

**The Cabinet**

- 5.1.1. The Cabinet is appointed by the Leader and may comprise councillors from one political group only. It must have 2 to 9 members in addition to the Leader.

**Licensing Act 2003 and Gambling Committee**

5.1.2. The Political Balance Rules do not apply to this Committee nor its sub-committees (although they do apply to the Licensing (General) Committee and its sub-committees). However, it is normal practice to constitute the sub-committees (panels) in accordance with political balance (i.e., two Labour members and one Conservative Member) as far as practicable. Membership of the sub-committees is drawn from the membership of the parent committee. The Terms of Reference of the Licensing Act 2003 and Gambling Committee will be reviewed this year and outcomes reported to Audit and Governance Committee for recommendation to a later meeting of full Council.

### **Health and Wellbeing Board**

5.1.3. Although the Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board as a section 102 committee, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modified and disapplied certain provisions of section 102 (and other sections of the Local Government Act 1972), as well as the political balance provisions of the Local Government and Housing Act 1989. Appointments to the Health and Wellbeing Board therefore do not figure in the political balance calculations.

## **6. LOCAL AUTHORITY TRADING COMPANIES**

6.1 The Council has two Local Authority Trading Companies, Waltham Forest Services Ltd and 60 Bricks Ltd.

6.2 When establishing the companies, Cabinet were asked to agree that the Directors of the two companies that constitute the LATCs would be ex-officio the officers holding the posts set out below (or any successor post performing the same function). The initial appointments were referred to full Council for endorsement. The Boards of Directors are currently as follows:

### 60 Bricks Ltd

- Assistant Director Place and Design
- Director of Inward Investment
- Director of Return on Investment (Vacant)

### Waltham Forest Services Ltd

- Director of Commercial Innovation
- Director of Procurement
- Head of Internal Audit and Anti-Fraud

## **7. SUBSTITUTION SCHEME**

- 7.1. It is the Council's normal practice to appoint all councillors as supernumerary members of committees, so that any member can substitute for another who is unable to attend a meeting. Notifications of a substitute must be in writing, but can be by fax or e-mail, by the relevant group whip or group leader, to the Chief Executive (in practice to Democratic Services). Substitutions must be for a whole meeting (and cannot be for only part of a meeting) and will apply for the specified meeting only, following which the original member will resume his/her membership of the committee.
- 7.2. Substitutions for councillors appointed to the Health and Wellbeing Board are not governed by regulations; however, it is recommended that, given the appointment of Executive members, that only other members of the Executive be appointed as supernumerary members of the Board to be able to substitute.
- 7.3. Executive members cannot serve as substitutes for any Overview and Scrutiny Committees.

## **8. CONSULTATION**

- 8.1. Group Whips have been consulted for their nominations, which will be circulated with the Order Paper for the meeting.

## **9. IMPLICATIONS**

### **9.1. Finance, Value for Money and Risk**

Chairs and Vice-Chairs of certain Committees will be entitled to a Special Responsibility Allowance as set out in the Members' Allowances Scheme.

### **9.2. Legal**

The legal implications are contained in the body of this report. The Local Authorities (Standing Orders) Regulations 2001 provide that the Council must have standing orders with regard to the appointment of specified senior officer posts (i.e. the posts in s.2 of the Local Government & Housing Act 1989). The Council may delegate this authority to a committee.

### **9.3. Equalities and Diversity**

The Council must appoint nominees of the relevant Party Groups to in respect of the seats allocated to that group.

### **9.4. Sustainability (including climate change, health, crime and disorder)**

None.

### **9.5. Council Infrastructure (e.g. human resources, accommodation or IT issues)**

None.

**Appendices**

Appendix A – List of committees and allocation of seats according to proportionality

Appendix B – Political Balance 'Ready Reckoner'

**Background Information (as defined by Local Government (Access to Information) Act 1985)**

None.