

Committee: Council

Date: 18 November 2020

Wards: All

Subject: Constitution of Committees and Other Bodies

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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 changes to the appointments to the Cabinet including their respective portfolios (Appendix D);
- E. agrees the Health and Wellbeing Board Community Sub-Group Terms of Reference (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 The Council established its committees, sub-committees, and scrutiny panels, together with other consultative bodies for the year 2020/21 at its annual meeting on 16 September 2020; and allocated 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 Following the election of the new Leader of the Council, the report recommends that the Council agrees the appointments to the committees, sub-committees, scrutiny panels, consultative bodies and other outside bodies for the year 2020/21 as set out in Appendix A, B and C. The Leader of the Council has made appointments to the Cabinet and their respective portfolios and these are attached for information at Appendix D.

- 1.3 The Standards and General Purposes Committee considered the Terms of Reference of the Health and Wellbeing Board Community Sub-Group at its meeting on 5 November 2020 and these are attached at Appendix E and recommended for approval.

2. Health and Wellbeing Board Community Sub-Group

- 2.1 In September 2020 Merton's statutory Health and Wellbeing Board agreed the attached Terms of Reference (TOR) for its Community Sub-Group. The Sub-Group was established in response to the Local Outbreak Control Plan (LOCP) that all local authorities were required to produce in June this year. A copy of Merton's Covid-19 Outbreak Control Plan is available [here](#).
- 2.2 The HWBB Community Subgroup met for the first time, in public, on 4 August 2020. The Subgroup is supporting the implementation of Merton's Covid-19 Outbreak Control Plan, delivering the 'member-led local governance board', suggested in Government guidance. It has oversight of communication and engagement with the general public, with a focus on protecting vulnerable communities.
- 2.3 In Merton, the Community Subgroup is also providing oversight of work on the impact of Covid-19 on vulnerable communities – those disproportionately impacted by the virus to date. This involves working with communities to gain insight to lived experience through on-going community dialogue; helping to inform and support access to testing, contact tracing and self-isolation as a means to protect from Covid transmission.
- 2.4 ToR for the Community Subgroup are attached as appendix E to this report for agreement.

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.
- 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 The alternative option would be for the core statutory Merton Health and Wellbeing Board to take the role of the Community Sub-Group, but as the HWBB meets less frequently and has a broader remit, it would be more difficult for partners to respond quickly to any new developments.

4. Consultation undertaken or proposed

- 4.1 The Health and Wellbeing Board was consulted on the proposal to create a Subgroup on 23 June 2020 and HWBB members are involved in the Subgroup, both directly and through their nominees. A broad programme of engagement with community groups is taking place and will be reported to the HWBB and the Community Subgroup.

5. Timetable

- 4.1 The constitution of the committees set out here is for the year 2020/21 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.
- 4.2 The Community Sub-Group will initially meet for a period until April 2021.

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.

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

- 7.1 Appendix A – Committees and sub-committees to be constituted and allocation of seats to political groups (To follow)
- 7.2 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups (To follow)
- 7.3 Appendix C – Allocation of seats on outside organisations (To follow)
- 7.4 Appendix D – Executive Leader’s appointments to the Cabinet and their respective portfolios (To follow)
- 7.5 Appendix E – Terms of reference of the Health and Wellbeing Board Community Sub-Group