


Report to:	Council	Date:	20 May 2019
Report title:	Establishment of Standing Committees, Regulatory Committees and Other Bodies, Local Committees and related matters		
Report from:	Jessica Crowe, Monitoring Officer		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Not Applicable		
Author(s)/Contact Number(s):	Alexa Coates, Head of Committee and Management Support, 020 8770 5094		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • Making Informed Choices 		
Open/Exempt:	Open		
Signed:		Date:	10 May 2019

1. Summary

- 1.1 To review and approve the establishment of standing committees, regulatory committees, local committees and other bodies and the allocation of seats on committees in accordance with statutory requirements.

2. Recommendations

The Council is recommended:

- 2.1 To approve the establishment of Standing Committees, Scrutiny Committees, Regulatory Committee, Other Bodies, Local Committees as set out at paragraphs 4.5-4.12
- 2.2 To agree the allocation of seats as set out at paragraph 4.13
- 2.3 To agree the nominations to the LGA Annual General Assembly and allocation of votes as set out in paragraph 4.13
- 2.4 To agree the appointment of chairs and vice chairs and members of committees as set out in Appendix A

- 2.5 To agree that where there are any outstanding places the relevant political group may give written notice to the Monitoring Officer of their appointments, 10 clear days before the relevant committee is due to meet.
- 2.6 To agree that the political groups may notify the Monitoring Officer of any in-year changes to committee membership by giving written notice 10 clear days before the relevant committee is due to meet.
- 2.7 That the Monitoring Officer be delegated authority to make any consequential changes to the constitution arising out of this report, such as changes to committee names, size, procedures and removal of reference to committees not established.

3. Background

3.1 The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. Section 15 of the Act requires the following principles to be followed:

- a) That not all seats on a committee or sub-committee are allocated to the same party
- b) That the majority party must have the majority of seats on each committee or sub-committee
- c) Subject to the above two principles, that the number of seats on the **total** of all the ordinary committees allocated to each group bears the same proportion to the proportion on the full Council
- d) Subject to a) and c) that the number of seats on each ordinary committee and each subcommittee allocated to each group bears the same proportion to the proportion on the full Council.

3.2 The division of seats and the percentage allocation of seats of each political group on the Council is set out in the table below.

Groups	Number of seats on the Council	Percentage of seats
Liberal Democrat	33	61%
Conservative	18	33%
Independent Group	3	6%
Total	54	100%

- 3.3 Council can agree an allocation of seats which is disproportionate providing no member eligible to vote, votes against.
- 3.4 The overall seat entitlement (based on 118 committee seats) is Liberal Democrats 72 committee seats, Conservatives 39 committee seats and Independent Group 7 committee seats.

4. Issues

- 4.1 It is at the discretion of Council as to which ordinary committees to appoint. The membership of the Health and Wellbeing Board is prescribed in Section 194 of the Health and Social Care Act 2012. Political proportionality requirements do not apply to Health and Wellbeing Boards. Whilst Sutton have opted to appoint Councillors on a proportional basis the seats are not applied to the overall seat entitlement calculations. Provisions of the Localism Act give authorities, operating a committee structure, discretion as to whether to establish a Scrutiny Committee, and Council has resolved previously to do so.
- 4.2 In July 2017 the Strategy and Resources Committee considered the Integration of Sutton Health and Care. This report proposed changes to the membership of the Health and Wellbeing Board to include key provider representatives to support the Health and Wellbeing Board in driving the transformation agenda. As the Royal Marsden have taken the decision to no longer provide community health services the post of Chief Executive, Community Health Services (Royal Marsden Hospital) no longer exists and it is therefore recommended that this is removed from the committee membership. Currently Sutton Clinical Commissioning Group (CCG) have three seats on the board appointed by role. It is recommended that the number of seats allocated to Sutton CCG are reduced to two to be allocated by role, to the The Chair of Sutton CCG and The Managing Director of Sutton CCG.
- 4.3 The Licensing Committee is established under the Licensing Act 2003 which requires the Council to establish a committee of at least 10 but no more than 15 Councillors. There is no requirement under the Act for the Committee to be proportionate but as the Licensing Committee also includes functions and responsibilities outside of the Licensing Act such as the Gambling Act, it is included in the proportionality calculations. In accordance with the constitution, a licensing sub-committee with delegated authority to hear licence applications including Licensing Act 2003 and Gambling Act 2005 applications is established. The sub-committee will include members of the licensing committee with a quorum of three members made up of two members from the majority political group and one member from one of the opposition political groups, where practical.
- 4.4 The Senior Officer Appointment Committee is established when required as a proportionate committee of 6 members from a pool of 18 appointed by Council.
- 4.5 Based on committees established in 2018/19 officers are recommending that the following committees are established.

Standing Committees

- Environment and Neighbourhood Committee
- Housing Economy and Business Committee
- Health and Wellbeing Board
- People Committee
- Strategy and Resources Committee

Scrutiny

- Scrutiny Committee

Regulatory Committees

- Planning Committee
- Licensing Committee

Other Committees

- Audit and Governance Committee
- Pension Committee
- Senior Officer Appointment Committee

Local Committees

4.6 The membership of Local Committees comprises of all councillors representing wards within the geographical area of the committee and non-voting representatives of any formally constituted locally-based group that promotes the interests of local residents, business or visitors in the local committee area. The committees are not established as ordinary committees of the Council and are therefore not subject to proportionality. The nomination for Chair is allocated to the political group who hold the majority of seats in each local committee.

4.7 Based on 2018/19 it is recommended that the following local committees are established:

Local Committee	Councillors from electoral wards serving on Local Committee
Beddington and Wallington	Beddington North, Beddington South, Wallington North and Wallington South
Carshalton and Clockhouse	Carshalton Central, Carshalton South and Clockhouse
Cheam North and Worcester Park	Nonsuch, Stonecot and Worcester Park
Sutton	Sutton West, Sutton Central and Sutton North
Sutton South, Cheam and Belmont	Cheam, Sutton South and Belmont
St Helier, The Wrythe and Wandle Valley	St Helier, The Wrythe and Wandle Valley

Advisory Forums and Joint Committees with Staff

4.8 In addition to standing and local committees Council also establishes advisory forums and joint committees with staff. These are non-decision making bodies and the membership can include councillors from each party and, as appropriate, local residents, representatives of local

interests and business organisations. Their purpose is to deliberate on specific issues; to be consulted on community issues and to raise any areas of concern to feed into the policy framework and decision making process.

4.9 The Strategy and Resources Committee considered the Sutton Equality and Diversity Framework 2019/20 - 2023/24 on 1 April 2019 and resolved to recommend to Council that the Equality and Diversity Forum is ended and the Sutton Fairness Commission utilised instead to provide advice on external equality and diversity matters and delegate authority to the Monitoring Officer to make any consequential amendments to the Council's Constitution. As a result of this recommendation Council are asked to cease establishing the Equality and Diversity Forum as an advisory forum.

4.10 Council are also asked to appoint to London Councils advisory forums.

Advisory Forums

- Corporate Parents Forum
- Pension Board (does not include Councillors)
- Standing Advisory Council on Religious Education

Joint Committees with Staff

- Council and Employee Joint Committee
- Sutton Joint Health and Safety Committee

London Councils Advisory Forums

- Greater London Employment Forum (GLEF)

Joint Committees

4.11 Section 101 of the Local Government Act 1972 gives the Council authority to make joint arrangements with other local authorities, including forming joint committees with decision making powers. Where the Council makes 3 or more Councillor appointments to a joint committee these are required to be proportional and included in the overall seat entitlement calculations, following the principles set out above. It is recommended that the Council appoints to the following joint committees:

- Leaders' Committee (S.101 Joint Committee)
- Associated Joint Committee (London Councils Transport and Environment Committee)
- Associated Joint Committee (London Councils Grants Committee)
- Bandon Hill Cemetery Joint Committee
- Merton and Sutton Joint Cemetery Board
- Nonsuch Park Joint Management Committee
- North East Surrey Crematorium Board
- South London Waste Partnership Joint Committee
- South London Partnership Joint Committee
- South West London and Surrey County Council Joint Health Scrutiny Committee

Pensions Governance

4.12 The Pensions CIV Sectorial Joint Committee has been disbanded and replaced with the London LGPS CIV Limited Shareholders Committee. There are 12 Committee members made up of 8 local authority pension committee chairs and 4 local authority treasurers. The chair of the Sutton Pension Committee, Councillor Whitehead was nominated via the London Councils collective political processes and appointed to the role on 12 July 2018 at the London CIV AGM. Her appointment officially began on 1 August 2018. The Council is then required to appoint a London CIV shareholder representative. This is recommended to be the Chair and Vice Chair (as substitute) of the Council’s Pension Committee.

Local Government Association - Annual Assembly

4.13 As a member of the Local Government Association (LGA) the Council regularly sends delegates to the LGA annual conference and has an entitlement to vote at the AGM. Votes are assigned to a member authority based on population and Sutton is entitled to 5 votes. Guidance suggests these votes should be allocated on a proportionate basis. Therefore it is suggested that the votes are allocated to delegates as follows:

- Councillor Ruth Dombey, Leader of the Council, Lib Dem - 2 votes
- Councillor Jayne McCoy, Deputy Leader of the Council, Lib Dem - 1 vote
- Councillor Tim Crowley, Leader of the Opposition, Con - 2 votes

Allocation of Seats

4.14 The table below outlines the allocation of seats on committees subject to statutory proportionality and other committees.

Committees subject to Statutory proportionality				
	Seats	Lib Dem	Con	Sutton Independent Residents
Standing Committees				
Environment and Neighbourhood	10	6	3	1
Housing Economy and Business	10	6	3	1
People*	11	7	4	
Strategy and Resources	15	9	5	1
Scrutiny Committees				
Scrutiny	10	6	3	1

Regulatory Committees				
Audit and Governance	10	6	3	1
Planning	10	6	3	1
Licensing	15	8	6	1
Pensions	6	4	2	
Senior Officer Appointment Committee	6	4	2	
Joint Committees				
Bandon Hill Cemetery Joint Committee	4	3	1	
Merton and Sutton Joint Cemetery Board	5	3	2	
Nonsuch Park Joint Management Committee	3	2	1	
North East Surrey Crematorium Board	3	2	1	
Total Seats	118	72	39	7
Percentage of total seats		61%	33%	6%

* The People Committee may include co-opted members who have voting rights on education matters only, the co-opted member appointments are set out at Appendix A.

*The Audit and Governance Committee may include the Independent Persons as ex-officio members, with no voting rights. The Independent Persons were re-appointed by Council in January 2019 until January 2021.

The Leader of the Council is appointed as an ex-officio member of all standing committees, with no voting rights.

Committees not subject to Statutory proportionality				
	Seats	Lib Dem	Con	Independent Group
Standing Committees				

Health and Wellbeing Board	4	3	1	
Joint Committees				
Leaders' Committee (S.101 Joint Committee)	1	1		
Associated Joint Committee (London Councils Transport and Environment Committee)	1	1		
Associated Joint Committee (London Councils Grants Committee)	1	1		
South London Waste Partnership Joint Committee	2	2		
South London Partnership Joint Committee	1	1		
South West London Joint Health Scrutiny Committee	2	2		
Other				
London CIV shareholder representative	1	1		
Advisory and Joint Committees with Staff				
Corporate Parents Forum	5	4	1	
Standing Advisory Council on Religious Education	5	4	1	
Council and Employee Joint Committee	3	2	1	

5. Options Considered

- 5.1 None - Council is required under Section 15 of the Local Government and Housing Act 1989 to review the representation of different political groups on bodies to which it makes appointments whenever there is a change in political representation. The Act requires that the review should be held at the Annual Meeting or as soon as practicable after that meeting or the change has occurred. The Act sets out the statutory requirements on proportional allocation of seats which the Council is obliged to follow, unless, as indicated above, no member objects to a variation at the meeting.

6. Impacts and Implications

Financial

6.1 There are no financial implications arising from the report.

Legal

6.2 The legal implications are set out in the body of the report.

7. Appendices and Background Documents

Appendix letter	Title
A	Membership of Committees, Joint Committees, Local Committees, Advisory Forums and Other bodies

Background documents
None

Audit Trail		
Version	Final	Date: 10 May 2019
Consultation with other officers		
Finance	No	N/A
Legal	Yes	Tracy Swan
Equality Impact Assessment required?	No	N/A

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