

Item No.	Classification: Open	Date: 20 May 2015	Meeting Name: Overview & Scrutiny Committee
Report title:		Scrutiny arrangements for 2015/16	
Ward(s) or groups affected:		All	
From:		Head of Overview & Scrutiny	

RECOMMENDATIONS

Terms of reference

1. To note the size and composition of the overview & scrutiny committee, as agreed by annual council assembly on 16 May 2015.

Establishment of scrutiny sub-committees

2. In accordance with procedure rules, to appoint three scrutiny sub-committees.

The committee should agree the size and composition of the sub-committees, including establishing a sub-committee with responsibility for crime and disorder.

Political groups are entitled to the same number of reserve members as the number of seats they have on each sub-committee.

Size and composition of sub-committees in 2014-15 was:

Scrutiny Sub-Committee	Lab	Lib Dem	Total	Chair/ Vice chair
Education & Children's Services	4	3	7	Lib Dem / Lab
Healthy Communities	4	3	7	Lab / Lib Dem
Housing & Community Safety	4	3	7	Lab / Lib Dem

Co-opted members were:

Education & Children's Services – Church of England and Roman Catholic Diocese representatives, two parent governor representatives, one head teacher representative

Housing & Community Safety – one representative each from Homeowners' Council and Tenants' Council.

Appointment of Chairs and Vice-Chairs

3. To appoint chairs and vice-chairs of the three scrutiny sub-committees.

KEY ISSUES FOR CONSIDERATION

Proportionality

4. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. When making appointments, committees (in appointing sub-committees) have a duty to give effect to the following principles, as far as is reasonably practicable:
 - (i) That not all the seats on a committee or sub-committee are allocated to the same political group;
 - (ii) That the majority group must have the majority of seats on each committee or sub-committee;
 - (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects as closely as possible their proportion of seats on full council; and
 - (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for licensing committee and community councils.

Scrutiny sub-committees

5. Sub-committees are not "ordinary" committees and are each considered individually for the purposes of proportionality. So far as it is reasonably practicable to do so, the allocation of seats on each sub-committee should bear the same proportion to the number of the seats held by that group on the council.
6. The most proportionate allocation will depend on the number of members of the sub-committee. The table below shows the most proportionate arrangement for individual sub-committees:

Size of sub-committee	Lab	Lib Dem	Con
Nine seats	7	2	0
Eight seats	6	2	0
Seven seats	5	2	0
Six seats	5	1	0
Five seats	4	1	0
Four seats	3	1	0

7. Members can agree an allocation that is disproportionate, provided no Member votes against this. In previous years, the committee has varied the size and numbers on each sub-committee to provide for greater cross-party representation.
8. The constitution specifies that the appointment and composition of scrutiny sub-committees be considered by the first meeting of overview and scrutiny committee.

Appointments to seats

9. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of the authority or committee to exercise their power to make appointments to a body as to give effect “to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group”.
10. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore groups have the discretion to allocate seats as they wish, including to a member of another group.

Background papers	Held at	Contact
Agenda – Annual Council Assembly, 16 May 2015	160 Tooley Street London SE1 5LX	Ian Millichap Constitutional Manager Tel: 020 7525 7225

Audit Trail

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Contributors		
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Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Included in the report
Cabinet Member	N/A	