

Subject: Establishment of Assembly Committees and Bodies for 2016/17

Report to: London Assembly (Annual Meeting)

Report of: Executive Director of Secretariat

Date: 13 May 2016

This report will be considered in public

1. Summary

- 1.1 This report sets out recommendations in relation to the re-establishment of Assembly committees and sub-committees for the 2016/17 Assembly Year.

2. Recommendations

The Assembly is recommended to:

- 2.1 **Consider and agree which committees it wishes to establish for the 2016/17 Assembly Year, taking into account the various recommendations set out at paragraphs 4.5-4.7, 4.12-4.15, 4.18-4.20, 4.23-4.25 and 4.29-4.31, and agree terms of reference for those committees;**
- 2.2 **Consider whether, in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989 explained at paragraphs 3.2 to 3.8 below, unanimously to agree to disapply the proportionality rules where committee membership is not politically proportional in respect of the overall membership of the Assembly;**
- 2.3 **Determine, if necessary (subject to the decision taken on recommendation 2.2 above), in accordance with the rules on the political proportionality that apply to the allocation of seats on committees and having had regard to the guidance from the Executive Director of Secretariat set out at Appendix 1 as to the number and allocation between the political party Groups of seats both on an overall basis and, for each committee / body established, the overall size and constitution of each of the ordinary committees and other bodies established;**
- 2.4 **Reconfirm the existing standing delegation to the Chair of the Assembly in respect of powers (conferred by Schedule 4A of the Greater London Authority Act 1999 as amended) to decide to hold a confirmation hearing and to decide whether to request the candidate to produce any documents; and**

- 2.5 **Reconfirm the previous decisions of the then Business Management and Appointments Committee in respect of committee meetings and work programmes, as set out at paragraphs 4.38 and 4.39 of this report.**

3. Background

Establishment of Assembly Committees

- 3.1 The Assembly established the following committees and panels as ordinary committees for the 2015/16 Assembly Year:

- Audit Panel (4 Members and 4 scheduled meetings per year);
- Budget and Performance Committee (7 Members);
- Confirmation Hearings Committee (9 Members);
- Economy Committee (7 Members);
- Environment Committee (7 Members);
- GLA Oversight Committee (9 Members);
- Health Committee (5 Members);
- Housing Committee (7 Members);
- Planning Committee (5 Members);
- Police and Crime Committee^[1] (9 Members);
- Regeneration Committee (5 Members); and
- Transport Committee (9 Members).

Political proportionality

- 3.2 The provisions of the Local Government and Housing Act 1989 (see below) and the Local Government (Committees and Political Groups) Regulations 1990 apply to any committees and sub-committees established by the Assembly. This means that the allocation of seats on committees must then be proportionate to the number of Members each party Group has on the Assembly as a whole, unless there is a unanimous decision to disapply the full requirements of the political balance requirements.
- 3.3 The Assembly has a duty when allocating or reviewing the allocation of seats on committees to give effect (so far as is reasonably practicable) to the following four principles (set out in section 15 of the Local Government and Housing Act 1989):
- (i) That all the seats are not allocated to the same political Group (Principle I);

^[1] The London Assembly is statutorily required to establish a Committee to discharge the functions granted to it by Section 33 of that Police Reform and Social Responsibility Act 2011.

- (ii) That the greatest number of the seats goes to the political Group with the most seats on the Assembly (Principle II);
- (iii) That, subject to the above two principles, the total number of seats on the ordinary committees of the Assembly are allocated to each political Group in the same proportion as the Group's representation on the Assembly (Principle III); and
- (iv) That, subject to the above three principles, the number of seats on each committee are allocated to each political Group in the same proportion as the Group's representation on the Assembly (Principle IV).

- 3.4 Section 17(1) of the 1989 Act provides that the Assembly may make appointments to committees that do not wholly comply with the proportionality principles set out above as long as no single Assembly Member votes against those appointments. From 2000 until May 2008 the Assembly disappplied the proportionality rules. Between May 2008 and April 2013 there was not unanimous agreement to disapply the proportionality rules and seats on Assembly committees were therefore allocated on a strictly proportional basis during that period. The Assembly agreed, at its annual meeting on 1 May 2013, to revert to the previous position and unanimously agreed to disapply the strict application of proportionality rules from the establishment of its committees and sub-committees, and subsequently did so again at its Annual Meetings on 14 May 2014 and on 13 May 2015.
- 3.5 A political Group is defined as two or more Assembly Members, who formally notify the Head of Paid Service that they are to be regarded as a Group, give the Group's name and appoint one Member of the Group as Leader. The proportionality rules only apply to political Groups, not to individual Members who do not belong to one. However, the Authority's Standing Orders state that every Member of the Assembly shall be entitled to serve on at least one committee.
- 3.6 The London Assembly has four political Groups. The Labour Group has 12 Assembly seats, the GLA Conservatives Group has 8 seats, the Green Party Group has 2 seats, and the UKIP Group has 2 seats. There is also one ungrouped Member. The total number of seats on the London Assembly is 25.
- 3.7 This means that, the overall percentage allocation of seats is as follows:-
- Labour Group – 48%
 - GLA Conservatives Group - 32%
 - Green Party Group – 8%
 - UKIP Group – 8%
- 3.8 General guidance from the Executive Director of Secretariat in relation to proportionality, including figures for various sizes of committees, is attached at **Appendix 1**.

4. Issues for Consideration

Police and Crime Committee

- 4.1 The London Assembly is required by the provisions of the Police Reform and Social Responsibility Act 2011 to arrange for the functions granted to it by Section 33 of that Act and those functions conferred by Section 60A and Schedule 4A of the GLA Act, to be discharged on its behalf by a particular committee, which has previously been known as the Police and Crime Committee¹.
- 4.2 The key functions of the Committee, as defined in the Act - and as reflected in the terms of reference set out at **Appendix 2**, agreed by the Assembly when it initially established the Committee in December 2011, are:
- The power to hold confirmation hearings in respect of the Mayor's Office for Policing and Crime's (MOPAC) proposed candidate for Deputy Mayor for Policing and Crime and the power to veto, by a two-thirds majority, the candidate where they are not an Assembly Member;
 - The power to review the draft Policing Plan and make recommendations to MOPAC who must have regard to them;
 - The power to review MOPAC's Annual Report and make reports and recommendations at a public meeting, which MOPAC must attend;
 - The power to require relevant reports and information in MOPAC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
 - The power to require MOPAC/Deputy Mayor for Policing and Crime to attend the Panel to answer questions; and
 - Responsibility for complaints about MOPAC. (In accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, the Police and Crime Committee has previously delegated all of the powers and functions conferred on it by those regulations, with the exception of the functions set out at Part 4 of the regulations (resolution of other complaints) which may not be delegated, to the GLA's Monitoring Officer.)
- 4.3 In law, the Assembly is not permitted to exercise any of the special scrutiny functions² delegated to the Police and Crime Committee by the Police Reform and Social Responsibility Act 2011 and Section 54(5) of the GLA Act does not apply to the Committee in this respect. The Assembly also may not arrange for any of its other functions to be discharged by the Police and Crime Committee.
- 4.4 There are no statutory rules regarding the size of this committee or the number of meetings it must hold.

¹ The Act requires the establishment of an ordinary committee of the Assembly to be the statutory Police and Crime Panel. This is referred to as a committee for the purposes of consistency with the Assembly's existing structure and working arrangements.

² These special scrutiny functions are to: (a) review the draft police and crime plan, or draft variation, given to the Assembly by the Mayor's Office for Policing and Crime in accordance with section 6(6)(c), and (b) make a report or recommendations on the draft plan or variation to the Mayor's Office for Policing and Crime; and to hold a confirmation hearing in respect of the appointment of the Deputy Mayor for Policing and Crime and exercise the Committee's power of veto if the candidate is not an Assembly Member.

Recommendations

The Assembly is recommended to:

- 4.5 **Establish an ordinary committee to be known as the Police and Crime Committee, to discharge the functions granted to it by Section 33 of the Police Reform and Social Responsibility Act 2011 and those functions conferred by section 60A and schedule 4A of the GLA Act 1999 (as amended);**
- 4.6 **Approve the terms of reference for this Committee; and**
- 4.7 **Determine the overall size and constitution of the Committee.**

Confirmation Hearings Committee

- 4.8 The GLA Act 1999 (as amended) provides that Mayoral nominees for the following offices may be subject to non-binding 'confirmation hearings' conducted by the London Assembly:
 - Chair³ and Deputy Chair of Transport for London;
 - Chair of the London Fire and Emergency Planning Authority;
 - Chair and Deputy Chair of the London Pensions Fund Authority;
 - Chair of the Cultural Strategy Group;
 - Chair of the London Waste and Recycling Board; and
 - Chair of a Mayoral Development Corporation.
- 4.9 Section 60A and Schedule 4A to the GLA Act 1999 (as amended) set out the process to be followed. The Assembly may, within three weeks of receiving notification of such an appointment from the Mayor, hold a confirmation hearing and make a recommendation to the Mayor as to whether or not the candidate should be appointed to the office.
- 4.10 The Assembly has previously established a Confirmation Hearings Committee to undertake these hearings.
- 4.11 In addition to the offices subject to hearings listed at paragraph 4.8 above, as noted at paragraph 4.2, the Police and Crime Committee may also hold confirmation hearings in respect of MOPAC's proposed candidate for Deputy Mayor for Policing and Crime and has the power to veto, by a two-thirds majority, the candidate where that person is not an Assembly Member. This function must be carried out by the Police and Crime Committee itself and may not be delegated to another Assembly Committee.

³ This would not apply if the Mayor appointed him/herself to this office

Recommendations

The Assembly is recommended to:

- 4.12 **Establish an ordinary committee to undertake its responsibilities in relation to confirmation hearings to be known as the Confirmation Hearings Committee;**
- 4.13 **Approve the proposed term of reference for this Committee, namely: “In accordance with Section 60A and Schedule 4A of the Greater London Authority Acts 1999, to hold confirmation hearings and, as necessary, to make recommendations to the Mayor on proposed appointments”;**
- 4.14 **Determine the overall size and constitution of this Committee; and**
- 4.15 **Re-confirm the existing standing delegation to the Assembly Chair in respect of powers (conferred by the Greater London Authority Act 2007) to decide to hold a confirmation hearing and to decide whether to request the candidate to produce any documents.**

Business Management/Staffing Committee

- 4.16 Standing Order 10.4 requires the Assembly to appoint an ordinary committee to undertake its business management functions; Standing Order 10.5 requires the Assembly to designate one of its committees to exercise the staffing functions specified within that Standing Order, including responding to consultation on relevant staffing matters from the Head of Paid Service.
- 4.17 The Assembly has previously established the GLA Oversight Committee to undertake these business management and staffing functions as well as other functions in relation to scrutiny oversight, including in particular the responsibility of scrutinising the Mayor’s activities in respect of education matters within London. The Assembly is now asked to establish a body to undertake these functions during the 2016/17 year.

Recommendations

The Assembly is recommended to:

- 4.18 **Establish an ordinary committee to undertake its business management, staffing and scrutiny oversight responsibilities;**
- 4.19 **Agree the terms of reference of this committee; and**
- 4.20 **Determine the overall size and constitution of this committee.**

Audit

- 4.21 The Chartered Institute of Public Finance & Accountancy (CIPFA) guidance for local authorities on audit committees (2013) reaffirms their importance as a key component of corporate governance. Such committees, CIPFA states, provide a high-level focus on assurance and an organisation's arrangements for governance, managing risk and maintaining an effective control environment.
- 4.22 The Audit Panel has previously been established as a four Member body.

Recommendations

The Assembly is recommended to:

- 4.23 **Establish an ordinary committee to undertake its audit responsibilities to be known as the Audit Panel;**
- 4.24 **Agree the terms of reference of this committee body; and**
- 4.25 **Determine the overall size and constitution of this committee.**

Scrutiny Committees – General

- 4.26 One of the Assembly's primary duties is to undertake scrutiny and investigation in order to hold the Mayor to account on behalf of Londoners. To this end, the Assembly may establish bodies that it considers necessary and appropriate to undertake its scrutiny function for the 2016/17 Assembly year.
- 4.27 In considering the terms of reference of any scrutiny committees, the Assembly is recommended to consider the need to take into account:
- The Assembly's statutory responsibilities in relation to London TravelWatch (formally the London Transport Users' Committee) which have previously been dealt with by the Assembly's Transport Committee; and
 - The Assembly's responsibilities in respect of responding to consultations on the Mayor's Draft Strategies.
- 4.28 The Regeneration Committee has previously been tasked with providing lead oversight for the Assembly of the policies, decisions and actions of the London Legacy Development Corporation, the Old Oak and Park Royal Development Corporation (OPDC) and any future mayoral development corporations. The Assembly may therefore wish to include similar responsibilities within a specific committee's terms of reference.

Recommendations

The Assembly is recommended to:

- 4.29 **Establish as ordinary committees those bodies that it considers necessary and appropriate to undertake its scrutiny function for the 2016/17 Assembly Year;**
- 4.30 **Agree the terms of reference for any committees established; and**
- 4.31 **Determine the overall size and constitution of any committees established.**

Budget Monitoring Sub-Committee

- 4.32 Should the Assembly agree to re-establish a Budget and Performance Committee, it may like to consider whether it wishes to give its approval to that Committee establishing a Budget Monitoring Sub-Committee with the following term of reference:

“To consider the quarterly monitoring reports provided by the GLA and its functional bodies as referred to it by the Budget and Performance Committee, and any other reports falling within the terms of reference of the Budget and Performance Committee which that Committee considers appropriate, and to report back its findings to the Budget and Performance Committee as necessary.”

- 4.33 Standing Order 8.1E states that committees may only establish sub-committees with the approval of the Assembly or the GLA Oversight committee. Alternatively, the Assembly may establish sub-committees itself, directly.

Working Groups of the GLA Oversight Committee

- 4.34 During the 2015/16 Assembly year, the GLA Oversight Committee re-established a number of working groups, namely: the Education Panel, the Head of Paid Service Performance Review Panel, the Standing Orders Working Group and the Devolution Working Group. It is proposed that the committee established in accordance with Standing Order 10.4 to undertake the Assembly's business management functions, will consider, at its first meeting of the 2016/17 Assembly Year, whether it wishes to re-establish the above – and any other - working groups.
- 4.35 In accordance with Standing Orders 8.1D and 8.5, the GLA Oversight Committee does not require the prior consent of the Assembly to establish the bodies set out at paragraph 4.37 above.

Appointment of Members, Chair and Deputy Chairs to Committees

- 4.36 Decisions in relation to the appointment of Members, Chairs and Deputy Chairs to/of committees are dealt with at Items 8 and 9 on the agenda for this meeting.

Timetable of Assembly meetings

- 4.37 A report regarding the proposed timetable of Assembly and committee meetings for the 2016/17 Assembly year is set out at Item 10 on the agenda.

Committee meetings and work programmes

- 4.38 The then Business Management and Appointments Committee, at its meeting held on 9 February 2005, resolved:

“That, if during the year a committee modified its approved work programme and/or number of meetings in response to topical events, and an ad hoc extra meeting was called for, that would be permitted if the members of the committee concerned agreed; if 2 or more members of that committee did not agree to a proposal for an extra meeting, the matter would be referred to this committee [now the GLA Oversight Committee] for determination (noting that the Chair of BMAC has existing delegated authority from the Assembly to determine, in consultation with the Deputy Chair and party Group leaders, requests for additional committee meetings); and

That the current procedure for the proposed use of rapporteurs by committees, wherein the prior approval of this committee is required, be maintained.”

- 4.39 The Assembly, at its meeting held on 23 February 2005, also resolved:

That each Committee should report to BMAC at the start of the municipal year on its work programme for the year, including the proposed number of meetings which that programme would entail, and that BMAC should have the authority to vary the attached timetable.”

- 4.40 The Assembly is now asked to reconfirm those decisions.

Recommendation

- 4.41 **The Assembly is now asked to reconfirm the decisions set out at paragraphs 4.38 and 4.39 above made by the then Business Management and Appointments Committee.**

5. Legal Implications

- 5.1 The Assembly has the power to establish ordinary and advisory committees and sub-committees. In doing so, it must (as far as is practicable) comply with the law and rules on the political proportionality of committee membership, explained in the body of this report.
- 5.2 The Assembly is, however, permitted to disapply proportionality rules to any body provided that the Assembly agrees to this with no Member voting against the proposed arrangements.

- 5.3 To clarify, the position is that –
- (a) The Assembly can approve an allocation on a proportionate basis by a simple majority of votes cast;
 - (b) The Assembly may only approve an allocation on a non-proportionate basis if no single member votes against (abstentions not counted).
- 5.4 The distinction between ordinary (quasi-executive) committees and advisory committees is important. Under s 62 of the GLA Act 1999 (as amended) only *ordinary* committees may invoke the Assembly's formal powers to require the attendance of witnesses and the production of documents under sections 61 to 64 of the Act. Therefore it is important that the GLA Oversight Committee, Audit Panel, and any other scrutiny committees established are all ordinary committees so that they can exercise these powers should the need arise.

6. Financial Implications

- 6.1 There are no direct financial implications for the GLA arising from these proposals.

List of appendices to this report:

Appendix 1 – Guidance from the Executive Director of Secretariat in relation to the proportional allocation of seats on Assembly committees

Appendix 2 – 2015/16 Terms of Reference for the Police and Crime Committee

Local Government (Access to Information) Act 1985
List of Background Papers: None.
Contact Officer: Ed Williams, Head of Committee and Member Services
Telephone: ed.williams@london.gov.uk
E-mail: 020 7983 4399