

MEETING:	Council
MEETING DATE:	22 May 2015
TITLE OF REPORT:	Appointments to council committees and outside bodies
REPORT BY:	Assistant director governance

Classification

Open

Key decision

This is not an executive decision.

Wards affected

County-wide

Purpose

To exercise those powers reserved to Council at its annual meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees;
- (b) To approve the allocation of seats to political groups for the coming year;
- (c) To make appointments to the positions of chairmen and vice-chairmen of committees; and
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

Recommendations

THAT:

- (a) **the list of ordinary committees listed at paragraph 8 be confirmed with their current terms of reference;**
- (b) **the number of seats on each committee and the allocation of those seats to political groups as set out at appendix 2 (to follow) be approved;**

- (c) the allocation of seats on outside bodies to political groups as set out at appendix 3 (to follow) be approved;
- (d) it be noted that all other representation on outside bodies be decided by the chief executive, following consultation with the group leaders, in accordance with the provisions of the constitution;
- (e) the appointment of five co-opted members of general overview & scrutiny committee be approved as follows:
 - one representative as nominated by the diocese of Hereford
 - one representative as nominated by the archdiocese of Cardiff
 - one parent governor as elected from the primary school sector
 - one parent governor as elected by the secondary school sector
 - one parent governor as elected by the special school sector;
- (f) the suspension of the rules of proportionality in respect of the regulatory sub-committee, the River Lugg Internal Drainage Board, the Wye Valley AONB Joint Advisory Committee and the Buchanan Trust, be approved; and
- (g) the appointment of committee chairmen and vice chairmen as set out at appendix 4 (to follow) be approved.

Alternative options

- 1 To draw up a different set of committees of a different size and composition with different terms of reference; this is not recommended in advance of a review of the council's constitution.

Reasons for recommendations

- 2 Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the council at each annual meeting of Council. Similarly, the constitution requires Council to review its ordinary committees at the annual meeting and make appointments to them.
- 3 The constitution requires the annual appointment of members to outside bodies.

Key considerations

- 4 Following the elections on 7 May, the number of Herefordshire councillors reduced from 58 to 53. At the time of publication of this agenda the formalities for formation of political groups are still ongoing; the final numbers will be published as appendix 1 in due course.
- 5 Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to the political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Once Council has approved the allocation of seats to political groups, it is a matter for the relevant political group leaders to confirm which of their members will take up any seats allocated to their

group. Cabinet (as the executive) and the Health & Wellbeing Board (with a membership set out by statute) are both exempt from the requirements of political proportionality.

- 6 These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
- 7 It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.
- 8 Council has previously agreed to establish committees of council as listed in the table below. The terms of reference for these committees are set out within the functions scheme of the constitution (available on the website at: <http://councillors.herefordshire.gov.uk/documents/s50025395/Contents%20Updated%202022-Apr-15.pdf>). There are no proposals at this stage to amend the terms of reference.

Committee
Audit and governance committee
Employment panel
General overview and scrutiny committee
Health and social care overview and scrutiny committee
Planning committee
Regulatory committee
Total Seats

- 9 Appendix 2 (to follow) details the allocation of seats on the above committees based on the political proportionality of the council set out in appendix 1.
- 10 Those outside bodies to which three or more appointments are currently made on a politically proportionate basis, are detailed in the table below.

Body	Seats
Fire & rescue authority	6
Standing advisory council for religious education	3

- 11 Appendix 3 (to follow) details the allocation of seats on the above outside bodies based on the political proportionality of the council set out in appendix 1.
- 12 The council is required to appoint certain education representatives onto the scrutiny committee at which educational matters are considered; in Herefordshire's case this is the General Overview & Scrutiny Committee. Specifically the council must co-opt representatives from parent governors and relevant diocesan representatives (Church of England and Roman Catholic). There is a statutory election process by which the parent governor representatives are selected, with one representative being sought from each of the primary, secondary and special school sectors. Each relevant diocese has been asked to nominate their diocesan representative.
- 13 In line with previous practice, it is proposed to suspend the rules of political proportionality in relation to a small number of specified bodies. These are detailed in the table below together with the reason for seeking the suspension.

Body	Seats	Reason for exemption
Regulatory sub committee	3	This sub-committee is formed on an ad hoc basis as and when needed; its membership is drawn from the membership of the regulatory committee which is itself politically proportionate.
River Lugg Internal Drainage Board	7	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.
Wye Valley AONB Joint Advisory Committee	4	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.
Buchannan Trust	6	The governance arrangements for this trust are in the final stages of transformation and it is appropriate to retain the existing nominees (regardless as to whether they remain elected councillors) to ensure continuity while this process is completed. Council representatives will not be required in the future.

- 14 Council is required to appoint the chairmen and vice chairmen of committees listed at paragraph 8 above. Appendix 4 (to follow) sets out the nominations for each post; in the event of there being more than one nominee for any one post a vote will be held in accordance with council procedure rules.

Community Impact

- 15 There are no implications.

Equality and Human Rights

- 16 There are no implications

Financial Implications

- 17 Budgets are in place to cover allowances for any appointments made.

Legal Implications

- 18 The council is required to ensure that the allocation of seats to committees is compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that act.
- 19 In summary these regulations require that in determining the allocation of seats the council must apply the following four principles as far as reasonably practicable:
- a. that not all the seats on the body are allocated to the same political group;

- b. that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- c. subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- d. subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

20 The proposals in this report comply with these requirements as far as is reasonably practicable.

Risk Management

21 Failure to appoint to committees and outside bodies could render them inquorate or unlawful; failure to obey the rules of political proportionality could similarly render a committee or body unlawful. The recommendations in this report mitigate these risks.

Consultees

22 None.

Appendices

Appendix 1 – Political group sizes (to follow)

Appendix 2 – Allocation of committee seats to political groups (to follow)

Appendix 3 – Allocation of seats on outside bodies to political groups (to follow)

Appendix 4 – Nominees for appointment as chairmen or vice chairmen of council committees (to follow)

Background Papers

- None identified.