

Meeting:	Council
Meeting date:	20 May 2016
Title of report:	Appointments to council committees and other bodies
Report by:	Solicitor to the council

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 paragraph 9 be approved;**
- (c) the allocation of seats on outside bodies to political groups as**

set out at paragraph 10 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) Mr Richard Stow be appointed as independent person for a term of four years;
- (g) 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 be approved; and
- (h) the appointment of committee chairmen and vice chairmen of the committees listed at paragraph 8 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 completion of the ongoing 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 The membership of the respective political groups is shown in the table below.

Group	Number
Conservative group	29
Green group	2
Herefordshire Independents	8
It's Our County	11
Liberal Democrats	2
Not aligned	1
<i>Total</i>	<i>53</i>

- 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 and wellbeing board (with a membership set out by statute) are both exempt from the requirements of political proportionality. Any member who is not aligned is not entitled to an allocation of seats within these rules.
- 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	Seats
Audit and governance	9
Employment panel	5
General overview and scrutiny	13
Health and social care overview and scrutiny	13
Planning	17
Regulatory	11
<i>Total seats</i>	<i>68</i>

- 9 The following table details the allocation of seats on the above committees based on the political proportionality of the council as set out in paragraph 4 above.

	Conservative	Green	Herefordshire Independents	Its Our County	Liberal Democrats	Total committee seats
Audit and governance	5	1	1	2	0	9
Employment panel	3	0	1	1	0	5
General overview and scrutiny	7	1	2	3	0	13
Health and social care overview and scrutiny	7	0	2	3	1	13
Planning	9	1	2	4	1	17
Regulatory	6	0	2	2	1	11
<i>Total</i>	<i>37</i>	<i>3</i>	<i>10</i>	<i>15</i>	<i>3</i>	<i>68</i>

Further information on the subject of this report is available from Annie Brookes, head of corporate governance on Tel (01432) 260605

- 10 Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table below, with the allocation of seats based on the political proportionality of the council as set out in paragraph 4 above.

	Conservative	Green	Herefordshire Independents	Its Our County	Liberal Democrats	Total seats on body
Fire authority	4	0	1	1	0	6
Standing advisory council for religious education	2	0	0	1	0	3
<i>Total</i>	6	0	1	2	0	9

- 11 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.
- 12 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.

- 13 Council is required to appoint the chairmen and vice chairmen of committees listed at paragraph 8 above. The chairman will call for nominations to each post in turn and 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.
- 14 The Localism Act 2011 requires that the council must appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct that it has decided to investigate. Their view may also be sought in dealing with allegations which have not been investigated and may be available for subject members who are the subject of an allegation.
- 15 In May 2012 Council authorised the monitoring officer to undertake recruitment of up to three independent persons. The council last appointed two independent persons in July 2013 and currently has one independent person, Mr John Sharman.

- 16 Following a recruitment exercise and interview process audit and governance committee recommend the appointment of Mr Richard Stow. Mr Stow is currently a partner in a horticultural business in Rowlestone in south-west Herefordshire. He has previously been an elected member of Crucorney Community Council in Monmouthshire, including two years as Chairman. He was also previously a Welsh Government member of the Brecon Beacons National Park Authority, where he chaired the Audit & Scrutiny Committee and sat on the Planning Committee. He has an appreciation of standards matters from the perspective of the public and as an elected member, and has a keen interest in increasing public confidence in local democracy.
- 17 The recruitment of Mr Stow will ensure good governance of the standards process and avoid any potential conflicts of interest, which can arise when only one independent person is available.

Community impact

- 18 There are no implications.

Equality duty

- 19 There are no implications.

Financial implications

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

Legal implications

- 21 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.
- 22 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.
- 23 The proposals in this report comply with these requirements.
- 24 Alternative arrangements not complying with these requirements may be made so long as no member of the council votes against it.

- 25 The appointment of Richard Stow will ensure that the council is able to meet the requirements of the Localism Act 2011.

Risk management

- 26 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

- 27 Audit and governance committee considered the appointment of an independent person and recommended the appointment of Mr Stow.

Appendices

None

Background papers

None identified.