

Meeting:	Council
Meeting date:	19 May 2017
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 terms of reference as set out in the council's constitution;**
- (b) **the number of seats on each committee as set out at paragraph 8, 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 children and young people 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 licensing sub-committee, the River Lugg Internal Drainage Board, the Wye Valley AONB Joint Advisory Committee be approved; and
- (g) the appointment of committee chairmen and vice chairmen of the committees listed at appendix 1 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 implementation of the revised 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 by election held in Leominster South ward on 23 March 2017, the membership of the respective political groups is shown in the table below.

Group	Number
Conservative group	29
Green group	3
Herefordshire Independents	7
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 In addition to the health and wellbeing board where minimum membership is determined by statute, Council has 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.

Committee	Seats
Adults and wellbeing scrutiny	7
Audit and governance	7
Children and young people scrutiny	7
Employment panel	5
General scrutiny	7
Planning and regulatory	15
<i>Total seats</i>	<i>48</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
Adults and wellbeing scrutiny	4	0	1	1	1	7
Audit and governance	4	0	1	2	0	7
Children and young people scrutiny	4	1	0	2	0	7
Employment panel	3	0	1	1	0	5
General scrutiny	4	1	1	1	0	7
Planning and regulatory	8	1	2	3	1	15
<i>Total</i>	<i>27</i>	<i>3</i>	<i>6</i>	<i>10</i>	<i>2</i>	<i>48</i>

- 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>	<i>6</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>0</i>	<i>9</i>

- 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 children and young people 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
Licensing 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 planning and 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.

- (a) Council is required to appoint the chairmen and vice chairmen of committees listed at paragraph 8 above, and of the health and wellbeing board. The vice chairman of planning and regulatory committee will fulfil the role of standing chairman of licensing sub-committee. 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.
- 13 Under section 30 and 31 of the Localism Act 2011 ('the Act'), any members who are nominated for positions which attract a special responsibility allowance under the councillors' allowances scheme have a pecuniary interest in that item. As a result the members may not participate in any discussion or vote on the matter.
- 14 The monitoring officer, having received a written request on behalf of all members affected by the preceding paragraph, has granted a dispensation to all members who have a pecuniary interest.
- 15 The dispensation is granted under section 33 (2)(a) of the Act, as it is considered that

without the dispensations the number of persons prohibited by section 31(4) from participating in the item in question would be so great a proportion of the members of Council as to impede the transaction of the business. This dispensation is from both section 31(4)(a) and section 31(4)(b) of the Act.

- 16 Those members affected may therefore participate in the discussion and vote on all of the recommendations, although individual members should refrain from voting in respect of recommendation (g) where they are nominated.

Community impact

- 17 There are no implications.

Equality duty

- 18 There are no implications.

Financial implications

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

Legal implications

- 20 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.

- 21 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.

- 22 The proposals in this report comply with these requirements.

- 23 Alternative arrangements not complying with these requirements as set out in paragraph 12 may be made so long as no member of the council votes against it.

Risk management

- 24 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

25 None.

Appendices

Appendix 1: Chairman/vice chairman posts

Background papers

None identified.