

APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES

Report By: Chief Executive

Wards Affected

County-wide

Purpose

1. To exercise those powers reserved to Council at its Annual Meeting:
 - (a) To make appointments to the positions of Chairmen and Vice-Chairmanships of committees and other offices.
 - (b) To establish the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5) b of the Act which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
 - (c) To agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole.
 - (d) To make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. There is a reduction of one Cabinet Member post and the appointments proposed can, therefore, be contained within the existing approved budget.

Appointment of Chairmen of Committees and other bodies

3. Appointment of the Leader of the Council will already have been dealt with under item 9 and the Leader will appoint the remaining Cabinet portfolio holders. Subject to the Council's decision at item 9, the Leader of the Conservative Group will table his proposals. The first purpose of this item is, therefore, to make appointments to the other offices. Details of the proposed appointments will be circulated at the Council meeting. Standing Order 4.3.6 allows for those Committees which do not have a Chairman elected at the

Further information on the subject of this report is available from
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annual meeting of Council to elect their own Chairmen at the first meeting following the annual meeting. This will apply to the Compensation (Enhanced Payments) Panel and also to the Social Care Appeals Panel, Appointments and Contracts Review Panel and the Employee Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members.

4. The Standards Committee of the Council must comprise at least two Councillors together with an independent member and a representative of the Parish Councils. The independent member Robert Rogers was appointed in January 2002 and has agreed to continue to serve this Council. It has been the practice for the Chairman and Vice-Chairman of the Council to serve on this Committee.

Allocation of Seats to Political Groups and Appointments to Committees

5. The Local Government (Committees and Political Group) Regulations 1990 require the allocation of committee seats to political groups to be in proportion to the size of those groups on the Council and that the Council reviews that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each committee and across the relevant committees taken as a whole subject to Section 15 (5) b of the Local Government and Housing Act, 1989, which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
6. It is necessary to review the allocation of seats to reflect the changes to political party membership following the 2007 elections as notified to the Chief Executive prior to the meeting.
7. Group Leaders have been provided with a chart showing the allocation of seats calculated on a strictly proportionate basis. This needs to be adjusted to reflect paragraph 5 above.
8. In preparing the charts regard has been taken of the declared political groups.
 - The political balance is currently: Conservatives - 32, Independents - 14, Liberal Democrats - 10, Labour - 2.
 - Political Group Leaders have agreed to maintain the principle that in so far as is possible, all Members (apart from Cabinet Members, the Chairman and Vice-Chairman of the Council and the Chairman of Strategic Monitoring Committee) will have an opportunity to serve on two committees as well as having a seat on the relevant area planning sub-committee.
9. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all the traditional Committees and the Scrutiny Committees. The strict calculation does not include the seats on Cabinet or the Standards Committee. The chart has been drawn up to reflect paragraphs 5, 6 and 8.
10. If Council wishes to allocate seats on a different basis than political proportion, such alternative arrangements can only be made where they are

approved by Council without any Member voting against. This is known as a nem con vote by the Council. Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.

11. The Strategic Monitoring Committee currently comprises the Chairmen and Vice-Chairmen of the Scrutiny Committees and such other councillors as the Council may appoint to it. The operation of the Strategic Monitoring Committee on this basis has depended on Council agreeing to suspend the rules of proportionality in relation to Strategic Monitoring Committee compensating for that suspension of proportionality when calculating proportionality across the Council as a whole.
12. The importance of the suspension of proportionality is that unless proportionality is so suspended then the right to nominate to seats on Strategic Monitoring Committee lies with the respective political Group Leaders and appointments cannot be made by Council.
13. If alternative arrangements are not approved, the Chief Executive, in consultation with the Group Leaders, will have to exercise his delegated powers to make any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments in accordance with the nominations of the political group leaders. To assist this process all members will be invited to express their preferences for the committees and panels on which they would be interested to serve.
14. It is helpful for the Chief Executive, in consultation with the group leaders, to have delegated authority to adjust the size of committees and/or bodies as this can be important in ironing out inequalities in the application of the rules on proportionality.

Appointment to Bodies by Reference to Area

15. Membership of the Planning Area Sub-Committees is determined in accordance with Ward membership. There is an exception in the Local Government (Committees and Political Groups) Regulations 1990 which enables appointments to be made to groups composed of all the Councillors for an area without the rules on proportionality being applied.

Community Forums

16. The Constitution provides for the establishing of area based Community Forums. The nature of the Forums means that membership is not defined. The Council retains the ability to appoint Chairmen of the Community Forums and the Constitution delegates that role to Group Leaders. As part of its role in relation to community policing, the West Mercia Police has sought to establish Partners and Communities Together (PACTs) and to avoid duplication and confusion in the eyes of the public, the previous political Group Leaders agreed to run a pilot to see whether it was possible to encompass the role of the Community Forums with that of the PACTs. It has been agreed to run a further round of PACTs as part of the pilot before undertaking a review and reporting back to political Group Leaders.

Appointment to Outside Bodies

17. Standing Order 12.7.3.4 gives authority to the Head of Legal and Democratic Services, in consultation with the relevant Cabinet Member and Group Leaders, to make appointments to outside bodies. These comprise a wide range of national, regional and local organisations. It is recommended that the Council make appointments at this meeting to the Adoption Panel, Herefordshire Housing, Herefordshire Community Leisure Trust (HALO), the West Mercia Police Authority, and Hereford and Worcester Fire and Rescue Authority.

Members' Allowances Scheme

18. A Members' Allowances Scheme to take effect from May 2007, was previously agreed by Council in February 2007, in line with advice from the Independent Remuneration Panel.

RECOMMENDATIONS

- THAT (a) the arrangements for proportionality and the notice given in paragraph 10 of the need to partially suspend the rules of proportionality be noted. Council will be invited to move a resolution to that effect which, as advised, will have to be nem con if it is to be effective;**
- (b) Councillors be appointed to the offices contained in the papers which will be tabled for a term of office which will expire at the next Annual Meeting of Council;**
- (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders;**
- and**
- (d) the arrangements for appointments to outside bodies be noted and appointments made to the Adoption Panel (1 Member), Herefordshire Housing (4 Members), Herefordshire Community Leisure Trust (2 Members), the Hereford and Worcester Fire and Rescue Authority (6 Members), the West Mercia Police Authority (2 Members) and the Joint Committee (1 Member).**