

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 approve the allocation of seats to political groups for the coming year.
 - (b) To make appointments to the positions of Chairmen and Vice-Chairmen of committees.
 - (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. There are no financial implications.

Background

3. The Local Government & Housing Act 1989 requires that the Council reviews the political composition of the Council and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting. In the absence of agreement at the Annual Meeting on 22 May, and in acknowledgement of the powers reserved to Council, this further meeting has been convened.
4. The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the 1989 Act, and the Local Government (Committees and Political Groups) Regulations 1990.
5. The Council is under a duty to:
 - Ensure membership of those committees and sub committees covered by the rules reflect the political composition of the Council as far as practicable;
 - Review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting (and in other certain circumstances e.g. change in political balance or number of committees established);

Further information on the subject of this report is available from
Siân Clark, Democratic Services Manager on (01432) 260222

- Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council as far as practicable;
 - Accept nominations made by the groups for filling of seats allocated to them.
6. In determining the allocation of seats the Council must apply the following four principles as far as reasonably practicable:
- Not all seats to be allocated to the same political group;
 - Where a political group has a majority on the Council, it must have a majority of seats on committees
 - Subject to the above two points, the total of all relevant seats should be allocated to groups in proportion to their respective strength on the Council; and
 - Subject to the above three points, the number of the seats on each committee or sub-committee allocated to each group bears the same proportion to the number of all the seats on that committee as is in proportion to that groups relative strength on the Council.
7. In summary, the Council should seek to maintain, as far as is reasonably practicable, political proportionality both across the total number of seats to be allocated and within each committee, whilst always ensuring that the majority group holds a majority of seats on each committee.
8. Certain committees are exempt from the rules of proportionality, these are:
- Cabinet
 - Standards Committee
 - Planning Area Sub-Committees
 - Regulatory Sub-Committees
9. Should Council wish to allocate seats to a particular body on a different basis from that of political proportion, such arrangements can only be made where they are approved by Council without any Member voting against (known as a nem con vote by 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.
10. It has been the practice in Herefordshire Council to take a nem con vote in respect of Strategic Monitoring Committee, to enable the Committee to comprise the Chairmen and Vice Chairmen of the 5 Scrutiny Committees as specified within the Constitution of the Council.

Constitution of Committees

11. Following the previously adopted convention of securing a nem con vote by Council in respect of Strategic Monitoring Committee, Council is requested to approve the overall constitution of committees as set out below, and requiring a total of 92 seats to be allocated proportionately across all committees as follows:

Planning Committee	19
Regulatory Committee	11
Environment Scrutiny Committee	11
Health Scrutiny Committee	11
Children's Services Scrutiny Committee	11
Adult Social Care and Strategic Housing Scrutiny Committee	11
Community Services Scrutiny Committee	11
Audit & Corporate Governance Committee	7
Total seats	92

Allocation of Seats

12. Council is required to approve the allocation of seats to the political groups for the coming year. The total entitlement of each group assuming that Strategic Monitoring Committee is excluded for the rules of proportionality (based on the current group membership of Conservative 31, Independent 14, Liberal Democrat 9, Alliance 2, Labour 2) is as follows:

Conservative	49
Independent	22
Liberal Democrat	14
Alliance	3
Labour	3
Unallocated	1
Total seats	92

13. Strict application of proportionate allocation of seats to all political groups across the committees, assuming the exclusion of Strategic Monitoring Committee, is set out in the table below together with a comparison of the total seats secured against the entitlement to number of seats overall.

	Con.	Ind.	Lib. Dem.	Lab.	All.	Total
Planning	10	5	3	1	1	20*
Regulatory	6	3	2	-	-	11
Env. Scrutiny	6	3	2	-	-	11
Health Scrutiny	6	3	2	-	-	11
Children's Scrutiny	6	3	2	-	-	11
Adult Scrutiny	6	3	2	-	-	11
Community Scrutiny	6	3	2	-	-	11
Audit	4	2	1	-	-	7
Total / (prop.allocation)	50 (49)	25 (22)	16 (14)	1 (3)	1 (3)	93*

* One more seat than available for allocation

14. Council is required to apply the principles as far as is reasonably practicable. Following discussions with Group Leaders, and maintaining the principles of proportionality as far as is reasonably practicable, the proposed membership of Committees, assuming Council's agreement to a nem con vote in respect of Strategic Monitoring Committee, is detailed at Appendix 1 and results in the following allocation of seats across Committees:

	Con.	Ind.	Lib. Dem.	Lab.	All.	Total
Planning	10	4	3	1	1	19
Regulatory	5	4	2	-	-	11
Env. Scrutiny	6	4	1	-	-	11
Health Scrutiny	6	2	2	1	-	11
Children's Scrutiny	6	2	2	1	-	11
Adult Scrutiny	6	2	2	-	1	11
Community Scrutiny	6	3	1	-	1	11
Audit	4	1	1	1	-	7
Total / (prop.allocation)	49 (49)	22 (22)	14 (14)	4 (3)	3 (3)	92

15. For information, in these circumstances following suspension of the proportionality rules, the political make-up of the Strategic Monitoring Committee would be: Conservative 4, Independent 4, Liberal Democrat 3.
16. Should a nem con vote not be secured, requiring proportionality to be applied across all committees including Strategic Monitoring Committee, the total number of seats for allocation rises to 103, resulting in a total entitlement of seats by group as follows:

Conservative	55
Independent	25
Liberal Democrat	16
Alliance	3
Labour	3
Unallocated	1
Total seats	103

17. Strict application of the proportionality rules by committee including Strategic Monitoring Committee would result in the following seats being available to each group:

	Con.	Ind.	Lib. Dem.	Lab.	All.	Total
Planning	10	5	3	1	1	20*
Regulatory	6	3	2	-	-	11
Env. Scrutiny	6	3	2	-	-	11
Health Scrutiny	6	3	2	-	-	11
Children's Scrutiny	6	3	2	-	-	11
Adult Scrutiny	6	3	2	-	-	11
Community	6	3	2	-	-	11

Scrutiny						
Audit	4	2	1	-	-	7
SMC	6	3	2	-	-	11
Total / (prop.allocation)	56 (55)	28 (25)	18 (16)	1 (3)	1 (3)	104 *

* One more seat than available for allocation

18. In the absence of a nem con vote in respect of Strategic Monitoring Committee, and maintaining the principles of proportionality as far as is reasonably practicable, the proposed allocation of seats across Committees is recommended:

	Con.	Ind.	Lib. Dem.	Lab.	All.	Total
Planning	10	4	3	1	1	19
Regulatory	6	3	2	-	-	11
Env. Scrutiny	6	4	1	-	-	11
Health Scrutiny	6	2	2	1	-	11
Children's Scrutiny	6	2	2	1	-	11
Adult Scrutiny	6	2	2	-	1	11
Community Scrutiny	6	3	1	-	1	11
Audit	4	2	1	-	-	7
Strategic Monitoring Committee	6	3	2	-	-	11
Total / (prop.allocation)	56 (55)	25 (25)	16 (16)	3 (3)	3 (3)	103

19. Group Leaders' nominations of members to fill their Group's respective allocations will then be put into effect.

Appointment of Chairmen of Committees and other bodies

20. Subject to securing of a nem con vote in respect of Strategic Monitoring Committee, details of the proposed appointments to Chairmen and Vice Chairmen positions are contained in Appendix 2.

RECOMMENDATIONS

- THAT** (a) the arrangements for proportionality be noted;
- (b) the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Strategic Monitoring Committee be noted and a resolution be moved to that effect;
- (c) subject to the vote at recommendation (b) being passed nem con, appointment to membership of Committees (as at Appendix 1) be noted for the term of office which will be due for consideration at the next Annual Meeting of Council;

- (d) subject to the vote at recommendation (b) being passed nem con, appointment of Chairmen & Vice Chairmen of Committees (as at Appendix 2) be approved for the term of office which will be due for consideration at the next Annual Meeting of Council;**
- (e) in the absence of the vote at recommendation (b) being passed nem con, application of the principles of proportionality across committees as detailed at paragraph 17 be agreed; and**
- (f) in the absence of the vote at recommendation (b) being passed nem con, appointment of Chairmen and Vice Chairmen of Committees be agreed, noting the requirement within the Constitution for the Chairmen and Vice Chairmen of the 5 Scrutiny Committees to be members of Strategic Monitoring Committee whilst maintaining the principles of proportionality. In this situation, nominations will be made at the meeting of Council.**

BACKGROUND PAPERS

None identified.