

MEETING:	COUNCIL
DATE:	19 NOVEMBER 2010
TITLE OF REPORT:	ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENT TO COMMITTEES
REPORT BY:	CHIEF EXECUTIVE

CLASSIFICATION: OPEN

Purpose

To exercise those powers reserved to Council following changes to the political groups since the last Council Meeting.

- (a) To confirm its committees and the number of seats on each.
- (b) To approve the allocation of seats to political groups until the May 2011 Annual Meeting.
- (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

Recommendations

THAT:

- (a) **Council confirms the number of seats on each committee;**
- (b) **the arrangements for proportionality be noted;**
- (c) **the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Overview and Scrutiny Committee be noted and a resolution be moved to that effect;**
- (d) **subject to the vote at recommendation (c) being passed nem con, the Council allocates the seats to political groups as set out in Table 2 in paragraph 15, OR;**
- (e) **in the absence of the vote at recommendation (c) being passed nem con, the Council allocates the seats to political groups accordingly.**

Key Points Summary

- It is a legal requirement for the Council 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, or as soon as practicable after that meeting, and in other circumstances such as a change in political balance.

- Since the last Council meeting there have been two significant issues relating the political composition of the Council:
 - (a) The Alliance for Accountability and Democracy Group (Alliance Group) has formally ceased to be a political group on the Council.
 - (b) The It's Our County Group has increased its membership to 5 members.
- The Council meeting on 19th November must review the political proportionality of the Council and determine the allocation of seats to the respective political groups.
- In determining the allocation of seats the Council must apply four principles as set out in paragraph 6 of this report as far as reasonably practicable.
- Certain committees are exempt from the rules of proportionality
- The Council at its Annual Meeting in May 2010 agreed to allocate seats on a different basis from that of political proportion, (known as a nem con vote by Council) in respect of the Overview and Scrutiny Committee. It is necessary for the Council to consider again whether to allocate seats on a different basis from that of political proportionality.
- Options relating to the allocation of seats are outlined in paragraphs 12 – 19.

Alternative Options

1. The report outlines the options available to Council on the allocation of seats.

Reasons for Recommendations

2. It is a requirement for the Council 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, or as soon as practicable after that meeting, and in other circumstances such as a change in political balance.

Introduction and 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, and in other circumstances such as a change in political balance.
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:
 - a) Ensure membership of those committees and sub committees covered by the rules reflect the political composition of the Council as far as practicable;

- b) 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);
 - c) Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council as far as practicable;
 - d) 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:
- a) Not all seats to be allocated to the same political group;
 - b) Where a political group has a majority on the Council, it must have a majority of seats on committees
 - c) Subject to the above two points, the total of all relevant seats should be allocated to groups in proportion to their respective numbers on the Council; and
 - d) 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 numbers 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
 - Regulatory Sub-Committees
9. Should Council wish to allocate seats to a particular body on a different basis from that of political proportionality, 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 Overview and Scrutiny Committee, to enable the Committee to comprise the Chairmen and Vice Chairmen of the five Scrutiny Committees as specified within the Constitution of the Council.

Key Considerations

Constitution of Committees

11. At the Annual Meeting in May 2010, the Council approved the overall constitution of committees as set out below (which included securing a nem con vote by Council in respect of

Overview and Scrutiny Committee). Council is requested to reconfirm 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 and Governance Committee	7
Total seats	92

Allocation of seats to political groups

12. Council is required to approve the allocation of seats to the political groups for the period up to the Annual Meeting in May 2011. The political proportionality of the Council as at May 2010 and November 2010 is set out in the table below:

Political Proportionality : May 2010	Political Proportionality : November 2010
Conservative : 31	Conservative : 31
Independent : 11	Independent : 11
Liberal Democrats : 9	Liberal Democrats : 9
It’s Our County! : 3	It’s Our County! : 5
Alliance Group : 2	Labour : 2
Labour : 2	

13. Under principle (c) set out in paragraph 5 above, each political group is entitled to the following number of seats as at May 2010 and November 2010. The total entitlement of each group for November 2010 assumes that Overview and Scrutiny Committee is excluded for the rules of proportionality.

Allocation of Seats : May 2010	Allocation of Seats : November 2010
Conservative : 49	Conservative : 49
Independent : 17	Independent : 17
Liberal Democrats : 14	Liberal Democrats : 14
It's Our County : 5	It's Our County : 8
Alliance Group : 3	Labour : 3
Labour : 3	Unallocated : 1
Unallocated : 1	
Total : 92	Total: 92

14. The Council must take account of the changes in political proportionality since the Annual Meeting in May 2010, i.e It's Our County political group having five members and the formal cessation of the Alliance Group, and reconsider the allocations of seats to committees. The strict application of allocating seats proportionally to all political groups across the committees (assuming the exclusion of Overview and Scrutiny Committee) is set out in the table 1 below.

Table 1						
	Con	Ind	LibDem	IOC	Lab	Total
Planning	10.16	3.60	2.95	1.64	0.66	19
Regulatory	5.88	2.09	1.71	0.95	0.38	11
Environment Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Adult Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Audit	3.74	1.33	1.09	0.60	0.24	7
Total / (proportional allocation)	49.18	17.47	14.30	7.94	3.18	92

15. Applying the principles at para 6 to the above Table 1, and assuming Council's agreement to a nem con in respect of the Overview and Scrutiny Committee, the allocations should be as outlined in Table 2. Because of the number of total seats and the application of proportionality, the Conservative Group does not have a majority on the Regulatory Committee; this is compliant with the regulations as the principles have been applied as far as reasonably practicable. The unbracketed figures in the totals line are the total seats secured, for each group, whilst the figures in brackets are the entitlements to the number of seats overall.

Table 2						
	Con	Ind	LibDem	IOC	Lab.	Total
Planning	10	3	3	2	1	19
Regulatory*	5	3	2	1	0	11
Environment Scrutiny	6	2	1	1	1	11
Health Scrutiny	6	2	1	1	1	11
Children's Scrutiny	6	2	2	1	0	11
Adult Scrutiny	6	2	2	1	0	11
Community Scrutiny	6	2	2	1	0	11
Audit	4	1	1	0	1	7
Total / (proportional allocation)	49 (49)	17 (17)	14 (14)	8 (8)	4 (3)	92

16. For information, in these circumstances following suspension of the proportionality rules, the political make-up of the Overview and Scrutiny Committee would be: Conservative 4, Independent 4, Liberal Democrat 3.

17. Should a nem con vote not be secured, requiring proportionality to be applied across all committees including Overview and Scrutiny 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	20
Liberal Democrat	16
It's OUR County!	9
Labour	4
Over allocated	-1
Total seats	103

18. Application of the same proportionality rules by committee including Overview and Scrutiny Committee would result in the following seats being available to each group (as at Table 3):

Table 3						
	Con	Ind	LibDem	IOC	Lab	Total
Planning	10.16	3.60	2.95	1.64	0.66	19
Regulatory	5.88	2.09	1.71	0.95	0.38	11
Environment Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Adult Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Audit	3.74	1.33	1.09	0.60	0.24	7
Overview and Scrutiny	5.87	2.09	1.71	0.95	0.38	11
Total / (proportional allocation)	55.05	19.56	16.01	8.89	3.56	103

19. In the absence of a nem con vote in respect of Overview and Scrutiny Committee, and maintaining the principles of proportionality as far as is reasonably practicable, the proposed allocation of seats across Committees is recommended (as at Table 4) :

	Con	Ind	LibDem	IOC	Lab	Total
Planning	10	3	3	2	1	19
Regulatory*	5	3	2	1	0	11
Environment Scrutiny	6	2	1	1	1	11
Health Scrutiny	6	2	1	1	1	11
Children's Scrutiny	6	2	2	1	0	11
Adult Scrutiny	6	2	2	1	0	11
Community Scrutiny	6	2	2	1	0	11
Audit	4	1	1	0	1	7
Overview and Scrutiny	6	2	2	1	0	11
Total / (prop.allocation)	55 (55)	19 (20)	16 (16)	9 (9)	4 (4)	103

Appointment of Offices Reserved to Council

Appointment of Chairmen of Committees

20. Subject to securing of a nem con vote in respect of Overview and Scrutiny Committee, it is proposed that the existing Chairmen and Vice Chairmen are retained.

Community Impact

21. The Council needs to ensure that it complies with its statutory duties and the requirements as outlined in the Constitution.

Financial Implications

22. There are no financial implications

Legal Implications

23. The Council is required to ensure that the allocation of seats to committees are compliant with relevant rules contained in the legislation specified in paragraphs 3 and 4 above.

Risk Management

24. The Council is required to ensure that the correct legal processes are adhered to.

Consultees

25. The group leaders have been consulted on the contents of this report.

Appendices

There are none.

Background Papers

The Council Constitution