

MEETING	COUNCIL
DATE:	24 MAY 2013
TITLE OF REPORT:	APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. 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 and to received nominations from those groups.
- (c) To make appointments to the positions of Chairmen and Vice-Chairmen of committees.
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

5. Recommendation(s)

THAT:

- (a) **the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in Appendix1;**
- (b) **the seats on other bodies to which the allocation of seats to groups falls to be made by this Council be as indicated in Appendix 2 and all other**

representation on outside bodies in accordance with the Appendix be decided by the Chief Executive in consultation with the Group Leaders;

- (c) the allocation of seats (if any) to the ungrouped member be agreed at the meeting;
- (d) the wishes of the political groups as to nominees to fill their respective allocations of seats be noted;
- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with Appendix 1;
- (f) the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.
- (g) the respective terms of reference for each committee or board remain unchanged.
- (h) any vacancies on committees or outside bodies arising during the year be filled by the decision of the Chief Executive following consultation with the Group Leaders and in accordance with the rules of proportionality and that the Constitution be amended accordingly.

6. 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.
- Certain committees are exempt from the rules of proportionality.
- Should Council wish to allocate seats on a different basis from that of political proportion, this can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). **In this report it is proposed to take a nem con vote in respect of :The Regulatory Sub-Committee the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee.**
- The Constitution (at Part 4.5.3) provides that co-optees are appointed by the Council annually.
- The Constitution (at Part 4.1.5.2) requires that the Annual Council Meeting decides the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.
- As the number of Members in each political group has remained unchanged since May 2011, the allocation of Members to committees and outside bodies remain unchanged.

7. Alternative Options

- 7.1 To draw up a different set of committees.
- 7.2 To allocate membership of the Council's committees otherwise than shown in Appendix 1.
- 7.3 To allocate representatives to outside bodies otherwise than shown in Appendix 2.

7.4 To alter the terms of reference of one or more committee.

8. Reasons for Recommendations

8.1 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.

8.2 The constitution requires the Council to review committees at the annual meeting and appointments to them are made at the annual meeting.

8.3 The constitution similarly requires the annual appointment of Members to outside bodies.

8.4 Currently the Constitution makes no provision for the filling of vacancies arising on committees and outside bodies during the year. The proposed resolution h) addresses this deficiency.

9. Introduction and Background

9.1 Under the terms of the constitution the Council is required to make these reviews and appointments annually.

9.2 The Appendices have been compiled in consultation with the Council's Group Leaders.

10. Key Considerations

10.1 The membership of the respective political groups is as follows:-

	Numbers in Group	percentage of 58 seats on Council
Conservative	30	51.7
Independent	14	24.1
It's Our County	10	17.2
Liberal Democrat	3	5.2
Total	57	96.5
One Councillor is not in a political group.		

This remains unchanged from May 2011 and therefore the rules as to political proportionality are being adhered to.

10.2 Notwithstanding this, the Council has to review the position at the annual meeting.

10.3 The outside bodies to which the Council makes appointments remain unchanged from the May 2011 position, but similarly have to be reviewed annually.

- 10.4 The issue of membership of the Health and Social Care Overview and Scrutiny Committee was dealt with prior to its creation on 15th October 2012 and membership of that committee and the General Overview and Scrutiny Committee is incorporated into Appendix1.
- 10.5 The Herefordshire Health and Wellbeing Board was brought into being on 1st April 2013. Whilst the Board had existed in shadow form for some time, the issue of political proportionality was only clarified by the Government relatively late on. It confirmed that the Board would not be subject to the rules of political proportionality. The Board is included in Appendix 1 as, although it contains Members, officers and outside representatives as statutory appointments, it is to be treated as a Council committee by virtue of the Health and Social Care Act 2012.

11. Community Impact

None

12. Equality and Human Rights

These recommendations pay due regard to the Council's public sector equality duty.

13. Financial Implications

None identified.

14. Legal Implications

- 14.1 Failure to appoint to committees and outside bodies could render them inquorate or unlawful.
- 14.2 Failure to obey the rules of political proportionality could similarly render a committee or body unlawful.

15. Risk Management

None Identified.

16. Consultees

- 16.1 Group Leaders

17. Appendices

- 17.1 Appendix 1 Proposed Council committees and membership.
- 17.2 Appendix 2 Membership of outside bodies.

18. Background Papers

- 18.1 None identified.