

Meeting:	Council
Meeting date:	Friday 12 October 2018
Title of report:	Appointments to Council Committees and Outside Bodies
Report by:	Solicitor to the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To exercise the power reserved to Council to approve the allocation of seats to political groups following changes in group affiliations in the elected membership.

Recommendation(s)

That:

- (a) **the allocation of committee and outside body seats to political groups as set out at paragraphs 7 and 8 be approved.**

Alternative options

1. The council has a statutory responsibility to ensure that appointments to committees are undertaken proportionately in line with the political composition of the council. Following changes to political group affiliations in the elected membership at the council there has been a change in political proportionality necessitating a review of the allocation of seats. There are no alternative options proposed as this report and its recommendations ensures compliance with statutory duties.

2. Council could decide, by a nem con vote, to suspend the rules of political proportionality to those bodies affected by this report, namely the planning committee and the standing advisory council for religious education (SACRE). The circumstances that have led to this reallocation do not justify such an approach and would not be in the spirit of the legislation.

Key considerations

3. Council is required to review its political composition and allocate seats proportionately to political groups. At the annual meeting of council on 25 May 2018 the following was resolved in respect of political proportionality and appointments to committees:
 - the committees at the council and their terms of reference;
 - the number of seats on each committee and the allocation of seats to political groups;
 - the allocation of seats on outside bodies to political groups;
 - appointments to outside bodies to be determined by the chief executive in consultation with group leaders; a delegation to the Leader of the council to appoint the chairperson of the health and wellbeing board;
 - the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Internal Drainage Board, the Wye Valley AONB Joint Advisory Committee; and
 - the appointment of committee chairpersons and vice-chairpersons.
4. Since the annual meeting of council there has been a change of political affiliation in the Council's membership: one member moved from the Conservative group to the Herefordshire Independents Group. The current membership of the respective political groups at the council is shown in the table below:

Group	Number
Conservative group	27
Green group	4
Herefordshire Independents	9
It's Our County	9
Liberal Democrats	2
Not aligned	2
<i>Total</i>	<i>53</i>

5. Council is under a duty to ensure membership of its committees 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. 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>

7. Because there are now two political groups with the same number of members (Herefordshire Independents and It's Our County) strict application of the rules governing political proportionality result in the need for a degree of compromise regarding allocation of seats to those two groups in relation to the Planning and Regulator Committee, and (see paragraph 7 below) to the Standing Advisory Council for Religious Education (SACRE); this has been resolved following consultation with the two relevant political group leaders. The following table details the proposed allocation of seats on the above committees based on the political proportionality of the council as set out in paragraph 3 above and following discussions with political group leaders and result in Herefordshire Independents gaining one seat on Planning and Regulatory Committee.

	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	1	1	1	0	7
Children and young people scrutiny	4	1	1	1	0	7
Employment panel	3	0	1	1	0	5
General scrutiny	4	1	1	1	0	7
Planning and regulatory	8	1	3	2	1	15
<i>Total</i>	<i>27</i>	<i>4</i>	<i>8</i>	<i>7</i>	<i>2</i>	<i>48</i>

8. 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 3 above and following consultation with the political group leaders has resulted in It's Our County retaining its seat on SACRE.

	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>	6	0	1	2	0	9
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Community impact

9. In accordance with the council's adopted code of corporate governance, Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. The report and the decisions it enjoins enables the council to meet its statutory duties and fulfil the objective in the corporate plan to secure better services, quality of life and value for money.

Equality duty

9. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on the administrative functions of the Council, we do not believe that it will have an impact on our equality duty.

Resource implications

11. There are no resource implications arising from the recommendation.

Legal implications

12. 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.
13. 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; that the majority of the seats on the body is allocated to a particular political group of the number of persons belonging to that group is a majority of the authority's membership 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 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.

14. The proposals in this report comply with these requirements.

Risk management

- 15.

Risk / opportunity	Mitigation
Failure to obey the rules of political proportionality could render a committee or body unlawful.	The recommendations in this report mitigate these risks.

Consultees

16. Relevant political group leaders were consulted on the allocation and the recommendation reflects their views.

Appendices

None

Background papers

None identified.