

Title of report: **Appointments to Council Committees and Outside Bodies**

Meeting: Council

Meeting date: Friday 6 December 2024

Report by: Director of Governance and Law

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To exercise those powers reserved to Council to review the representation and determine the allocation of seats on committees and relevant outside bodies to political groups.

Recommendation(s)

That:

- a) the number of seats on each committee as set out at paragraph 9, and the allocation of those seats to political groups as set out in paragraph 10 be approved.**

Alternative options

1. To draw up a different set of committees of a different size and composition with different terms of reference.
2. Council could decide to suspend the rules of proportionality for all committees and establish its own criteria for appointing members to its committees. This would require a vote to do so in respect of each committee to which these rules apply and without any member of the council voting against each proposal. However, such a blanket approach is inconsistent with the spirit of political proportionality within the Local Government and Housing Act 1989 and would additionally require

Council to approve which councillor would take each individual seat on the relevant committees and outside bodies.

Key considerations

3. Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the Council.
4. Following the by-election for the Credenhill ward on 26 September 2024 and the Bishop's Frome and Cradley ward on 7 November 2024, the membership of the respective political groups at the council is shown in the table below:

Political Group	Membership
Conservative Group	21
Independents for Herefordshire	7
Liberal Democrats	12
The Green Party	9
True Independents	2
Total members in a Group	51
Labour	1*
Not aligned	1
<i>Total Members not in a group</i>	2
<i>Total</i>	53

* Under the rules concerning political groups in the constitution (section 2.2.23) a political group must have two or more members. Councillor Adam Spencer identifies as a Labour councillor but for the purposes of the political proportionality calculations is not aligned to any political group.

5. Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to 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), the licensing sub committee (a statutory committee) and the health and wellbeing board (with a membership set out by statute) are exempt from the requirements of political proportionality.
6. Any member who is not aligned to a group is not entitled to an allocation of seats within these rules. It is only where the proportionality calculations have been made and if any seats remain unallocated that Council may determine to appoint a member that is not a member of one of the political groups on the Council.
7. These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
8. It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.
9. 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 currently published on the Council's website (link below):

Committee	Seats
Audit and governance	7
Children and young people scrutiny	7
Connected communities scrutiny	7
Employment panel	6
Environment and sustainability scrutiny	7
Health, care and wellbeing scrutiny	7
Planning and regulatory	15
Scrutiny management board	12
<i>Total seats</i>	<i>68</i>

10. The table below details the allocation of seats on the existing committees based on the political composition of the Council set out in paragraph 4 above. Following the by-elections for the Credenhill electoral ward and the Bishop's Frome and Cradley electoral ward, the political composition of the Council has changed. The change to the political composition of the council resulting from the Credenhill by-election has seen the increase in the number of councillors for the Independents for Herefordshire group, from 6 to 7 and a decrease in the number of councillors for the True Independents from 3 to 2. Following the Bishop's Frome and Cradley by-election the number of Green councillors remains at 9. The previous calculation of proportionality was on 24 May 2024. In a change to the allocation of seats on Council committees it is recommended that the Independents for Herefordshire gain a seat on the Scrutiny Management Board (SMB) and the True Independents lose a seat on SMB to ensure political proportionality.

Committee	Conservative	Independents for Herefordshire	Liberal Democrats	Green	True Independents	Not Aligned	Total
Audit and Governance	3	1	2	1	0	0	7
Children and Young People Scrutiny	3	1	1	1	1	0	7
Connected Communities Scrutiny	3	1	2	1	0	0	7
Employment Panel	2	1	1	1	1	0	6
Environment and Sustainability Scrutiny	3	0	2	2	0	0	7
Health, Care and Wellbeing Scrutiny	3	1	2	1	0	0	7
Planning and Regulatory	6	2	3	3	1	0	15
Scrutiny Management Board	5	2	3	2	0	0	12
<i>Total</i>	<i>28</i>	<i>9</i>	<i>16</i>	<i>12</i>	<i>3</i>	<i>0</i>	<i>68</i>

11. Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table below (allocation of seats agreed at the annual meeting of Council on 24 May 2024), with the allocation of seats based on the political composition of the council as set out in paragraph 4 above. Following the by-elections for the Credenhill and Bishop Frome & Cradley electoral wards the political composition of the Council has changed. However, the change to the political composition of the Council is not of such significance to result in a necessary change to the allocation of seats on outside bodies as previously calculated at the annual meeting of Council on 24 May 2024.

Outside Body	Conservative	Independents for Herefordshire	Liberal Democrats	Green	True Independents	Not Aligned	Total
Fire Authority	2	1	1	1	0	1	6
Standing Advisory Council for Religious Education	1	0	1	1	0	0	3
<i>Total</i>	3	1	2	2	0	1	9

Community impact

12. In accordance with the council's adopted code of corporate governance, the 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.

Environmental Impact

13. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to how it is in line with the council's Environmental Policy.

Equality duty

14. 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.
15. The public sector equality 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. However the council will seek to ensure that all appointments are made fairly (i.e. no discrimination on the basis of protected characteristics) and that committee meetings are accessible to all, eg. with consideration to venue and timing.

Resource implications

16. Budgets are in place to cover allowances for any appointments made. All members appointed to positions of special responsibility and to committees are provided with training to enable them to fulfil their duties.

Legal implications

17. 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.
18. 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:
- 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 if 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.
19. The proposals in this report comply with these requirements. Once the proportionate allocation of seats has been made in accordance with the above principles, if any seats remain unallocated Council may determine to appoint a not aligned grouped member to fill the seat.
20. Alternative arrangements not complying with these requirements as set out in paragraph 9 may be made so long as no member of the council votes against it.

Risk management

21.

Risk / opportunity	Mitigation
Failure to appoint to committees and outside bodies could render them inquorate or unlawful	The recommendations in this report mitigate these risks by proposing politically proportionate committees.
Failure to obey the rules of political proportionality could similarly render a committee or body unlawful	The recommendations in this report mitigate these risks by proposing politically proportionate committees.

Consultees

22. No consultees.

Appendices

None

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	John Coleman	Date 21/11/2024
Finance	Judith Tranmer	Date 22/11/2024
Legal	Sean O'Connor	Date 18/11/2024
Communications	Luenne Featherstone	Date 14/11/2024
Equality Duty	Harriet Yellin	Date 18/11/2024
Procurement	Not used	Date Not used
Risk	Jessica Karia	Date 19/11/2024

Approved by Claire Porter Date 28/11/2024