

## Wiltshire Council

### Full Council

17 May 2022

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#### **Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups**

1. This report guides the Council in constituting and re-appointing committees and following the legal requirements in allocating seats to political groups.

#### **Legal Position**

2. Under the Local Government & Housing Act 1989 (“the Act”) and subsequent Regulations, (“the Regulations”), the Council must review the representation of the different political groups on committees at the Annual Council meeting.
3. It is open to the Council when carrying out a review, to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.

#### **Political Groups**

4. There are currently 4 political groups on the Council. The respective strengths of those Groups are as follows:

<b>Name of Group</b>	<b>No. of Members in Group</b>
Conservative	61
Liberal Democrat	27
Independent	7
Labour	3

5. Under the regulations, two or more Members may form and register a group by notice to the Proper Officer.
6. This report has been prepared on the basis of the strengths of the various political groups as they currently stand as set out in paragraph 4 above.

#### **Principles**

7. The Act sets out four principles which must be followed so far as reasonably practicable. They are:
  - a) *Preventing domination by a single group:* All the seats on a committee should not be allocated to the same political group.

- b) *Ensuring a majority group enjoys a majority on all committees:* If one political group has a majority in the full Council, that political group should have a majority on each committee.
- c) *Aggregating all committee places and allocating fair shares:* Subject to the above two principles, the total number of seats on all the committees of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.
- d) *Ensuring as far as practicable fairness on each committee:* Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

### **Application of Principles**

8. The Council must review the establishment of its committees in accordance with the principles laid down in the Act.
9. Immediately after this is done, each political group should state the names of the Members it wishes to take its allocated places on committees, including substitutes, and when those wishes are known, the Council is under a duty to make the appointment of those Members as soon as practicable.
10. It is a legal requirement however that the Council formally approves the appointment of Members to committees and therefore it is essential that each political group notifies Democratic Services of their nominated Members to serve on committees.

### **Members not in a Political Group**

11. In the case of Members who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group, has to be reserved, with appointments to these seats being made by the Council at its discretion. There are no ungrouped members on this Council at this time.

### **Committees of the Council**

12. There are currently the following committees:
  - Strategic Planning Committee
  - Area Planning Committees: Northern, Eastern, Southern and Western
  - Licensing Committee
  - Overview and Scrutiny Management Committee
  - Children's Select Committee
  - Environment Select Committee
  - Health Select Committee
  - Standards Committee
  - Audit and Governance Committee
  - Staffing Policy Committee
  - Officer Appointments Committee

- Electoral Review Committee
- Appeals Committee
- Wiltshire Police and Crime Panel (joint with Swindon Borough Council)
- Wiltshire Pension Fund Committee (joint with Swindon Borough Council)

13. Outside the scope of this report are the Cabinet, the Health and Wellbeing Board and Local Pension Board as the political proportionality rules do not apply to these bodies. The membership of the boards will be included for noting in this report, along with the non-committee bodies of the Corporate Parenting Panel and Safeguarding Children and Young People Panel.

### **Area Boards**

14. Area boards are appointed by the Council under Section 102 of the Local Government Act 1972. These are constituted as area committees within the meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purposes of discharging functions delegated by the executive (or not otherwise reserved). They are not subject to the rules on political proportionality. A list of these area boards is set out at Appendix 1 to this report.
15. All unitary Members representing the electoral divisions covered by the area board will be appointed to their respective area board.
16. Marlborough, Pewsey and Tidworth are established as a single area committee known as the Eastern Wiltshire Area Committee. The area committee appoints three sub-committees, each of which operate as an area board, known as Marlborough Area Board, Pewsey Area Board and Tidworth Area Board respectively.

### **Local Pension Board**

17. Under the Public Service Pensions Act 2013 and consequent amendments to the Local Government Pension Scheme Regulations 2013, each administering authority is required to appoint a local pension board to assist the administering authority to comply with relevant legislation and guidance, and to ensure the effective and efficient governance and administration of the Local Government Pension Scheme. Such Boards are constituted entirely under the Public Service Pensions Act 2013 and are not local authority committees

### **Health and Wellbeing Board**

18. Under the Health and Social Care Act 2012, the Council is required to appoint a Health and Wellbeing Board that works with partners, including the GP led Clinical Commissioning Group (CCG), to prepare a Joint Health and Wellbeing Strategy for the Council and the CCG and to encourage the delivery of integrated services. The Board is to be regarded as an ordinary committee of the Council and is therefore appointed by the Council, reports to the Council and with membership, as defined by the legislation, agreed by the Council.

## Children's Select Committee

19. This Committee must include nominees of the Church of England, the Roman Catholic Church and a number of elected parent governor representatives (historically there have been 3 appointed representatives – one from each school sector). They will be voting members. In accordance with the principle set out at 7(b) above the majority group are entitled to appoint additional Members to ensure it enjoys a majority. The Council also has discretion to appoint an unlimited number of co-opted members onto this committee as representatives of children's organisations/agencies (historically this has been on a non-voting basis).

## Joint Committees

### Police and Crime Panel

20. The Wiltshire Police and Crime Panel as constituted under the Police and Social Responsibility Act 2011 is a committee of Swindon and Wiltshire and the two councils are required to meet a "balanced appointment objective" whereby its members reflect both the geographical and political nature of the two councils plus the skills and experiences required to fulfil the Panel's functions. Wiltshire's Police and Crime Panel comprises 11 Elected Members, plus two independent members, with the ratio of Elected Members 7:4 in favour of Wiltshire Council.
21. The membership of the Wiltshire Police and Crime Panel must reflect the political proportionality of the two councils when taken together.
22. Swindon's current political composition is as follows:

Conservative: 34  
Labour: 23

23. When taken with the political composition with Wiltshire Council the allocation is:

Conservative	95	7 seats (6.742)
Lib Dem	27	2 seats (1.916)
Labour	26	2 seats (1.845)
Independent	7	0 seat (0.497)

24. Swindon is entitled to appoint 2 Conservatives and 2 Labour Members, leaving Wiltshire to appoint 5 Conservatives and 2 Lib Dem..

### Wiltshire Pension Fund Committee

25. The Wiltshire Pension Fund Committee must also reflect the proportionality of both Wiltshire and Swindon Borough Council when taken together. The Committee is constituted by five Wiltshire Council Members and two Swindon Borough Council Members. In addition to the seven elected members, there are also two voting and two non-voting representatives co-opted representatives.

Conservative	95	4 seats (4.290)
Lib Dem	27	1 seat (1.219)

Labour	26	1 seat (1.174)
Independent	7	1 seat (0.0.316)

26. Swindon Borough Council is therefore entitled to appoint one Conservative and one Labour Member, leaving Wiltshire Council to appoint three Conservative, one Lib Dem and one Independent.

### **Dorset and Wiltshire Fire Authority**

27. The political proportionality requirements of the Local Government and Housing Act 1989 applies to appointments to the Fire Authority. Wiltshire is entitled to appoint 6 members to the Fire Authority, based on the respective strengths of the political groups the allocation of places is:

Conservative	61	4 seats (3.735)
Lib Dem	27	2 seats (1.653)
Labour	3	0 seat (0.184)
Independent	7	0 seat (0.429)

### **Method of Calculating the Allocation of Places to Political groups**

28. The principles in paragraph 7 can be applied in the following sequence:
- i. Calculate the total number of seats with votes on all the ordinary committees and any Joint Committees.
  - ii. Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
  - iii. Apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
  - iv. Apply the proportions to the number of Members on each ordinary committee to give provisional entitlement to seats on that committee.
  - v. If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying principle (a) in paragraph 7).
  - vi. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 7).

29. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 7 and the sequence in paragraph 27. A draft scheme of committee places will be published as an appendix.
30. A numerical guide to proportional representation on Committees is included at Appendix 2 to reflect the Council's updated political composition.

### **Proposal**

31. The Council is asked:
- 1) To note this report and the legal requirements.
  - 2) To re-appoint the following committees with the terms of reference as set out in the Constitution:
    - Strategic Planning Committee
    - Area Planning Committees: Northern, Eastern, Southern and Western
    - Licensing Committee
    - Overview and Scrutiny Management Committee
    - Children's Select Committee
    - Environment Select Committee
    - Health Select Committee
    - Standards Committee
    - Audit and Governance Committee
    - Staffing Policy Committee
    - Officer Appointments Committee
    - Electoral Review Committee
    - Appeals Committee
    - Wiltshire Police and Crime Panel (joint with Swindon Borough Council)
    - Wiltshire Pension Fund Committee (joint with Swindon Borough Council)
    - Health and Wellbeing Board
  - 3) To re-appoint those Area Boards, constituted as area committees as set out in paragraphs 14 to 16 and Appendix 1 of this report and within the constitution to comprise the Unitary Members for that area.
  - 4) To re-appoint the Local Pension Board established under the Public Service Pensions Act 2013 and consequent amendments to the Local Government Pension Scheme Regulations 2013.
  - 5) To appoint members to the Dorset and Wiltshire Fire Authority, in accordance with the guidance set out in this report.
  - 6) To approve a scheme of committee places which sets out the number of seats available to members of the Council and to political groups (Appendix 3).

**Perry Holmes, Director Legal and Governance (and Monitoring Officer)**

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Report Author: Kieran Elliott, Democracy Manager (Democratic Services), 01225 718504, [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Background papers: None

## **Appendices**

Appendix 1 – List of Area Boards

Appendix 2 – Numerical Guide to political proportionality

Appendix 3 – Draft Scheme of committee places (to follow)

## Appendix 1 – Area Boards

### Bradford-on-Avon Area Board

#### Electoral Divisions (4)

Bradford on Avon North, Bradford on Avon South, Holt, Winsley and Westwood.

### Calne Area Board

#### Electoral Divisions (5)

Calne Central, Calne Chilvester and Abberd, Calne North, Calne Rural, Calne South.

### Chippenham and Villages Area Board

#### Electoral Divisions (10)

By Brook, Chippenham Cepen Park and Derriards, Chippenham Cepen Park and Hunters Moon, Chippenham Hardenhuish, Chippenham Hardens and Central, Chippenham Monkton, Chippenham Lowden and Rowden, Chippenham Pewsham, Chippenham Sheldon, Kington.

### Corsham Area Board

#### Electoral Divisions (4)

Box and Colerne, Corsham Ladbrook, Corsham Pickwick, Corsham Without.

### Devizes Area Board

#### Electoral Divisions (7)

Bromham, Rowde and Roundway, Devizes East, Devizes North, Devizes Rural West, Devizes South, The Lavingtons, Urchfont and Bishops Cannings.

### Malmesbury Area Board

#### Electoral Divisions (4)

Brinkworth, Malmesbury, Minety, Sherston.

### Marlborough Area Board

#### Electoral Divisions (3)

Aldbourn and Ramsbury, Marlborough East, Marlborough West.

### Melksham Area Board

#### Electoral Divisions (6)

Bowerhill, Melksham East, Melksham Forest, Melksham South, Melksham Without North and Shurnhold, Melksham Without West and Rural.



**Pewsey Area Board****Electoral Divisions (3)**

Pewsey, Pewsey Vale East, Pewsey Vale West.

**Royal Wootton Bassett and Cricklade Area Board****Electoral Divisions (6)**

Cricklade and Latton, Lyneham, Purton, Royal Wootton Bassett East, Royal Wootton Bassett North, Royal Wootton Bassett South and West.

**Salisbury Area Board****Electoral Divisions (8)**

Salisbury Bemerton, Salisbury Fisherton and Bemerton Village, Salisbury Harnham East, Salisbury Harnham West, Salisbury St Edmund's, Salisbury St Francis and Stratford, Salisbury Milford, Salisbury St Paul's.

**Southern Wiltshire Area Board****Electoral Divisions (6)**

Alderbury and Whiteparish, Downton and Ebbles Valley, Laverstock, Old Sarum and Lower Bourne Valley, Redlynch and Lanford, Winterslow and Upper Bourne Valley.

**South West Wiltshire Area Board****Electoral Divisions (5)**

Fovant and Chalke Valley, Mere, Nadder Valley, Tisbury, Wilton.

**Stonehenge Area Board****Electoral Divisions (6)**

Amesbury East and Bulford, Amesbury West, Amesbury South, Avon Valley, Durrington, Till Valley.

**Tidworth Area Board****Electoral Divisions (3)**

Chute, Chute Forest, Collingbourne Ducis, Collingbourne Kingston, Everleigh, Ludgershall, Tidworth.

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**Trowbridge Area Board****Electoral Divisions (9)**

Hilperton, Southwick, Trowbridge Adcroft, Trowbridge Central, Trowbridge Drynham, Trowbridge Grove, Trowbridge Lambrok, Trowbridge Park, Trowbridge Paxcroft.

**Warminster Area Board****Electoral Divisions (5)**

Warminster Broadway, Warminster North and Rural, Warminster East, Warminster West, Wylve Valley.

**Westbury Area Board****Electoral Divisions (4)**

Ethandune, Westbury East, Westbury North, Westbury West.

## Appendix 2 – Numerical Guide to Political Proportionality

Total Councillors – 98

Total Committee places - 184

	Conservative	Liberal Democrat	Labour	Ind
No. of Places	61	27	3	7
1	0.622	0.276	0.031	0.071
2	1.245	0.551	0.061	0.143
3	1.867	0.827	0.092	0.214
4	2.490	1.102	0.122	0.286
5	3.112	1.378	0.153	0.357
6	3.735	1.653	0.184	0.429
7	4.357	1.929	0.214	0.500
8	4.980	2.204	0.245	0.571
9	5.602	2.480	0.276	0.643
10	6.224	2.755	0.306	0.714
11	6.847	3.031	0.337	0.786
12	7.469	3.306	0.367	0.857
13	8.092	3.582	0.398	0.929
14	8.714	3.857	0.429	1.000
15	9.337	4.133	0.459	1.071
16	9.959	4.408	0.490	1.143
17	10.582	4.684	0.520	1.214
18	11.204	4.959	0.551	1.286
19	11.827	5.235	0.582	1.357
20	12.449	5.510	0.612	1.429
21	13.071	5.786	0.643	1.500
22	13.694	6.061	0.673	1.571
23	14.316	6.337	0.704	1.643
24	14.939	6.612	0.735	1.714
25	15.561	6.888	0.765	1.786
26	16.184	7.163	0.796	1.857
27	16.806	7.439	0.827	1.929
28	17.429	7.714	0.857	2.000
29	18.051	7.990	0.888	2.071
30	18.673	8.265	0.918	2.143
31	19.296	8.541	0.949	2.214
32	19.918	8.816	0.980	2.286
33	20.541	9.092	1.010	2.357
34	21.163	9.367	1.041	2.429
35	21.786	9.643	1.071	2.500
36	22.408	9.918	1.102	2.571
37	23.031	10.194	1.133	2.643
38	23.653	10.469	1.163	2.714
39	24.276	10.745	1.194	2.786
40	24.898	11.020	1.224	2.857
41	25.520	11.296	1.255	2.929
42	26.143	11.571	1.286	3.000

43	26.765	11.847	1.316	3.071
44	27.388	12.122	1.347	3.143
45	28.010	12.398	1.378	3.214
46	28.633	12.673	1.408	3.286
47	29.255	12.949	1.439	3.357
48	29.878	13.224	1.469	3.429
49	30.500	13.500	1.500	3.500
50	31.122	13.776	1.531	3.571
51	31.745	14.051	1.561	3.643
52	32.367	14.327	1.592	3.714
53	32.990	14.602	1.622	3.786
54	33.612	14.878	1.653	3.857
55	34.235	15.153	1.684	3.929
56	34.857	15.429	1.714	4.000
57	35.480	15.704	1.745	4.071
58	36.102	15.980	1.776	4.143
59	36.724	16.255	1.806	4.214
60	37.347	16.531	1.837	4.286
61	37.969	16.806	1.867	4.357
62	38.592	17.082	1.898	4.429
63	39.214	17.357	1.929	4.500
64	39.837	17.633	1.959	4.571
65	40.459	17.908	1.990	4.643
66	41.082	18.184	2.020	4.714
67	41.704	18.459	2.051	4.786
68	42.327	18.735	2.082	4.857
69	42.949	19.010	2.112	4.929
70	43.571	19.286	2.143	5.000
71	44.194	19.561	2.173	5.071
72	44.816	19.837	2.204	5.143
73	45.439	20.112	2.235	5.214
74	46.061	20.388	2.265	5.286
75	46.684	20.663	2.296	5.357
76	47.306	20.939	2.327	5.429
77	47.929	21.214	2.357	5.500
78	48.551	21.490	2.388	5.571
79	49.173	21.765	2.418	5.643
80	49.796	22.041	2.449	5.714
81	50.418	22.316	2.480	5.786
82	51.041	22.592	2.510	5.857
83	51.663	22.867	2.541	5.929
84	52.286	23.143	2.571	6.000
85	52.908	23.418	2.602	6.071
86	53.531	23.694	2.633	6.143
87	54.153	23.969	2.663	6.214
88	54.776	24.245	2.694	6.286
89	55.398	24.520	2.724	6.357
90	56.020	24.796	2.755	6.429
91	56.643	25.071	2.786	6.500
92	57.265	25.347	2.816	6.571

93	57.888	25.622	2.847	6.643
94	58.510	25.898	2.878	6.714
95	59.133	26.173	2.908	6.786
96	59.755	26.449	2.939	6.857
97	60.378	26.724	2.969	6.929
98	61.000	27.000	3.000	7.000
99	61.622	27.276	3.031	7.071
100	62.245	27.551	3.061	7.143
101	62.867	27.827	3.092	7.214
102	63.490	28.102	3.122	7.286
103	64.112	28.378	3.153	7.357
104	64.735	28.653	3.184	7.429
105	65.357	28.929	3.214	7.500
106	65.980	29.204	3.245	7.571
107	66.602	29.480	3.276	7.643
108	67.224	29.755	3.306	7.714
109	67.847	30.031	3.337	7.786
110	68.469	30.306	3.367	7.857
111	69.092	30.582	3.398	7.929
112	69.714	30.857	3.429	8.000
113	70.337	31.133	3.459	8.071
114	70.959	31.408	3.490	8.143
115	71.582	31.684	3.520	8.214
116	72.204	31.959	3.551	8.286
117	72.827	32.235	3.582	8.357
118	73.449	32.510	3.612	8.429
119	74.071	32.786	3.643	8.500
120	74.694	33.061	3.673	8.571
121	75.316	33.337	3.704	8.643
122	75.939	33.612	3.735	8.714
123	76.561	33.888	3.765	8.786
124	77.184	34.163	3.796	8.857
125	77.806	34.439	3.827	8.929
126	78.429	34.714	3.857	9.000
127	79.051	34.990	3.888	9.071
128	79.673	35.265	3.918	9.143
129	80.296	35.541	3.949	9.214
130	80.918	35.816	3.980	9.286
131	81.541	36.092	4.010	9.357
132	82.163	36.367	4.041	9.429
133	82.786	36.643	4.071	9.500
134	83.408	36.918	4.102	9.571
135	84.031	37.194	4.133	9.643
136	84.653	37.469	4.163	9.714
137	85.276	37.745	4.194	9.786
138	85.898	38.020	4.224	9.857
139	86.520	38.296	4.255	9.929
140	87.143	38.571	4.286	10.000
141	87.765	38.847	4.316	10.071
142	88.388	39.122	4.347	10.143

143	89.010	39.398	4.378	10.214
144	89.633	39.673	4.408	10.286
145	90.255	39.949	4.439	10.357
146	90.878	40.224	4.469	10.429
147	91.500	40.500	4.500	10.500
148	92.122	40.776	4.531	10.571
149	92.745	41.051	4.561	10.643
150	93.367	41.327	4.592	10.714
151	93.990	41.602	4.622	10.786
152	94.612	41.878	4.653	10.857
153	95.235	42.153	4.684	10.929
154	95.857	42.429	4.714	11.000
155	96.480	42.704	4.745	11.071
156	97.102	42.980	4.776	11.143
157	97.724	43.255	4.806	11.214
158	98.347	43.531	4.837	11.286
159	98.969	43.806	4.867	11.357
160	99.592	44.082	4.898	11.429
161	100.214	44.357	4.929	11.500
162	100.837	44.633	4.959	11.571
163	101.459	44.908	4.990	11.643
164	102.082	45.184	5.020	11.714
165	102.704	45.459	5.051	11.786
166	103.327	45.735	5.082	11.857
167	103.949	46.010	5.112	11.929
168	104.571	46.286	5.143	12.000
169	105.194	46.561	5.173	12.071
170	105.816	46.837	5.204	12.143
171	106.439	47.112	5.235	12.214
172	107.061	47.388	5.265	12.286
173	107.684	47.663	5.296	12.357
174	108.306	47.939	5.327	12.429
175	108.929	48.214	5.357	12.500
176	109.551	48.490	5.388	12.571
177	110.173	48.765	5.418	12.643
178	110.796	49.041	5.449	12.714
179	111.418	49.316	5.480	12.786
180	112.041	49.592	5.510	12.857
181	112.663	49.867	5.541	12.929
182	113.286	50.143	5.571	13.000
183	113.908	50.418	5.602	13.071
184	114.531	50.694	5.633	13.143

### Appendix 3 - Draft Scheme of Committee Places

Committee	Total Places for Elected Members	Conservative Group Allocation	Liberal Democrat Group Allocation	Labour Group Allocation	Independent Group Allocation
Strategic Planning Committee	11	7	3	0	1
Northern Area Planning Committee	11	7	4	0	0
Eastern Area Planning Committee	8	6	2	0	0
Southern Area Planning Committee	11	6	3	1	1
Western Area Planning Committee	11	7	3	0	1
Licensing Committee	12	8	3	0	1
Overview and Scrutiny Management Committee	15	9	4	0	2
Children's Select Committee	13	7 (-1)	4	1 (+1)	1
Environment Select Committee	13	7	4	1	1
Health Select Committee	13	8 (+1)	4	1	0 (-1)
Standards Committee	11	7	3	0	1
Audit and Governance Committee	11	7	3	0	1
Staffing Policy Committee	9	6	2	1	0
Officer Appointments Committee	5	3	2	0	0
Electoral Review Committee	10	6	2	1	1
Appeals Committee	8	5	2	0	1
Wiltshire Police and Crime Panel	7	5 (+1)	2	0 (-1)	0
Wiltshire Pension Fund Committee	5	3 (-1)	1	0	1 (+1)
<b>Total</b>	<b>184</b>	<b>114</b>	<b>51</b>	<b>6</b>	<b>13</b>
		(114.531)	(50.694)	(5.633)	(13.143)