

## Wiltshire Council

### Full Council

16 May 2023

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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 Councillors in Group</b>
Conservative	61
Liberal Democrat	27
Independent	6
Labour	3
Vacancy	1

5. Under the regulations, two or more Councillors may form and register a group by notice to the Proper Officer.
6. In accordance with the Council’s previous practice, it will treat a vacancy as being retained by the group which held the seat at the time a vacancy occurred, and undertake a review of the group allocations following a by-election when the impact on proportionality is known.
7. As a result, the allocations will be calculated on the basis of group strengths of Con 61, LD 28, Ind 6, Lab 3.
8. 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 7 above.

## **Principles**

9. 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**

10. The Council must review the establishment of its committees in accordance with the principles laid down in the Act.
11. Immediately after this is done, each political group should state the names of the Councillors 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 Councillors as soon as practicable.
12. It is a legal requirement however that the Council formally approves the appointment of Councillors to committees and therefore it is essential that each political group notifies Democratic Services of their nominated Councillors to serve on committees.

## **Councillors not in a Political Group**

13. In the case of Councillors who are not Councillors of a political group, a proportion of seats on committees equal to the proportion of Council Councillors 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 Councillors on this Council at this time.

## **Committees of the Council**

14. 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)

15. 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 the motion, along with the non-committee working groups of the Corporate Parenting Panel and Safeguarding Children and Young People Panel, which are not required to be appointed proportionally but the council has chosen to apply such proportions. The Dorset and Wiltshire Fire Authority is a separate entity, and the current Wiltshire Councillors will be included for information.

### **Area Boards**

16. 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.
17. All unitary Councillors representing the electoral divisions covered by the Area Board will be appointed to their respective area board.
18. Marlborough, Pewsey and Tidworth community areas 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**

19. 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**

20. 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 other than for proportionality and is therefore appointed by the Council, reports to the Council and with membership, as defined by the legislation, agreed by the Council as set out in the constitution

## **Children's Select Committee**

21. 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 Councillors. In accordance with the principle set out at 7(b) above, the majority group are entitled to appoint additional Councillors to ensure it enjoys a majority. The Council also has discretion to appoint an unlimited number of co-opted Councillors 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

22. 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 Councillors 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 Councillors, plus two independent members, with the ratio of Elected Councillors 7:4 in favour of Wiltshire Council.
23. The membership of the Wiltshire Police and Crime Panel must reflect the political proportionality of the two councils.
24. Following elections on 4 May 2023 Swindon's current political composition is as follows:  
  
Conservative: 22  
Liberal Democrat: 1  
Labour: 33  
Independent: 1
25. As noted Swindon Borough Council are entitled to 4 councillors on the joint committee, with Wiltshire Council entitled to 7 councillors.
26. When taken with the political composition with Wiltshire Council, and considering against the combined total of councillors, the allocation to the committee with each group considered individually would be:

SEATS		CON (Wilts)	CON (Swindon)	LD (Wilts)	LD (Swindon)	LAB (Wilts)	LAB (Swindon)	Ind (Wilts)	Ind (Swindon)
11		4	2	2	0	0	2	1	0
11		4.329	1.561	1.987	0.071	0.213	2.342	0.426	0.071

27. Swindon is therefore entitled to appoint 2 Conservatives and 2 Labour Councillors, leaving Wiltshire to appoint 4 Conservatives, 2 Liberal Democrats, and 1 Independent.

#### Wiltshire Pension Fund Committee

28. The Wiltshire Pension Fund Committee must also reflect the proportionality of both Wiltshire and Swindon Borough Council.

29. The Committee is constituted of five Wiltshire Council Councillors and two Swindon Borough Council Councillors. In addition to the seven elected Councillors, there are also two voting and two non-voting representatives co-opted representatives.

30. Using the same method as with the Police and Crime Panel as below:

SEATS		CON (Wilts)	CON (Swindon)	LD (Wilts)	LD (Swindon)	LAB (Wilts)	LAB (Swindon)	Ind (Wilts)	Ind (Swindon)
7		3	1	1	0	0	1	1	0
7		2.755	0.994	1.265	0.045	0.135	1.490	0.271	0.045

31. 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**

32. 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 Councillors 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	28	2 seats (1.714)
Labour	3	0 seat (0.184)
Independent	6	0 seat (0.367)

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

33. 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.
  - ii. Calculate the proportion that each political group forms of the total Councillorship of the Authority. Reserve an appropriate number of seats for ungrouped Councillors.
  - 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 Councillors 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 9).
  - 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 9).
34. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 9 and the sequence in paragraph 33.
35. A numerical guide to proportional representation on Committees is included at Appendix 2 to reflect the Council’s updated political composition. Group Leaders have agreed the allocation of the aggregate number of places on ordinary committees as follows:

Conservative: 107  
Liberal Democrat: 49  
Labour: 5  
Independent: 11

This amounts to 172 committee places, not including the joint committees which will be allocated proportionately separately as detailed in this report.

36. A draft scheme of committee places will be provided at the meeting. With the joint committees allocated separately as detailed in this report the net position is that Labour would decrease by one seat on ordinary committees, Independents would decrease by one seat on ordinary committees, and Conservatives would gain two seats on ordinary committees.
37. A numerical guide to proportional representation on Committees is included at Appendix 2 to reflect the Council’s updated political composition.

### **Proposal**

38. The Council is asked:
- i. To note this report and the legal requirements.
  - ii. 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
- iii. To re-appoint those Area Boards, constituted as area committees as set out in Appendix 1 of this report and within the constitution to comprise the Unitary Councillors for that area.
- iv. 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.
- v. To appoint Councillors to the Dorset and Wiltshire Fire Authority, in accordance with the guidance set out in this report.
- vi. To approve a scheme of committee places which sets out the number of seats available to Councillors of the Council and to political groups (Appendix 3).

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

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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)

Aldbourne 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)**

Aldbury and Whiteparish, Downton and Ebbel 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.

**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 - 172

	Conservative	Liberal Democrat	Labour	Ind
No. of Places	61	28	3	6
1	0.622	0.286	0.031	0.061
2	1.245	0.571	0.061	0.122
3	1.867	0.857	0.092	0.184
4	2.490	1.143	0.122	0.245
5	3.112	1.429	0.153	0.306
6	3.735	1.714	0.184	0.367
7	4.357	2.000	0.214	0.429
8	4.980	2.286	0.245	0.490
9	5.602	2.571	0.276	0.551
10	6.224	2.857	0.306	0.612
11	6.847	3.143	0.337	0.673
12	7.469	3.429	0.367	0.735
13	8.092	3.714	0.398	0.796
14	8.714	4.000	0.429	0.857
15	9.337	4.286	0.459	0.918
16	9.959	4.571	0.490	0.980
17	10.582	4.857	0.520	1.041
18	11.204	5.143	0.551	1.102
19	11.827	5.429	0.582	1.163
20	12.449	5.714	0.612	1.224
21	13.071	6.000	0.643	1.286
22	13.694	6.286	0.673	1.347
23	14.316	6.571	0.704	1.408
24	14.939	6.857	0.735	1.469
25	15.561	7.143	0.765	1.531
26	16.184	7.429	0.796	1.592
27	16.806	7.714	0.827	1.653
28	17.429	8.000	0.857	1.714
29	18.051	8.286	0.888	1.776
30	18.673	8.571	0.918	1.837
31	19.296	8.857	0.949	1.898
32	19.918	9.143	0.980	1.959
33	20.541	9.429	1.010	2.020
34	21.163	9.714	1.041	2.082
35	21.786	10.000	1.071	2.143
36	22.408	10.286	1.102	2.204
37	23.031	10.571	1.133	2.265
38	23.653	10.857	1.163	2.327
39	24.276	11.143	1.194	2.388
40	24.898	11.429	1.224	2.449
41	25.520	11.714	1.255	2.510
42	26.143	12.000	1.286	2.571
43	26.765	12.286	1.316	2.633

44	27.388	12.571	1.347	2.694
45	28.010	12.857	1.378	2.755
46	28.633	13.143	1.408	2.816
47	29.255	13.429	1.439	2.878
48	29.878	13.714	1.469	2.939
49	30.500	14.000	1.500	3.000
50	31.122	14.286	1.531	3.061
51	31.745	14.571	1.561	3.122
52	32.367	14.857	1.592	3.184
53	32.990	15.143	1.622	3.245
54	33.612	15.429	1.653	3.306
55	34.235	15.714	1.684	3.367
56	34.857	16.000	1.714	3.429
57	35.480	16.286	1.745	3.490
58	36.102	16.571	1.776	3.551
59	36.724	16.857	1.806	3.612
60	37.347	17.143	1.837	3.673
61	37.969	17.429	1.867	3.735
62	38.592	17.714	1.898	3.796
63	39.214	18.000	1.929	3.857
64	39.837	18.286	1.959	3.918
65	40.459	18.571	1.990	3.980
66	41.082	18.857	2.020	4.041
67	41.704	19.143	2.051	4.102
68	42.327	19.429	2.082	4.163
69	42.949	19.714	2.112	4.224
70	43.571	20.000	2.143	4.286
71	44.194	20.286	2.173	4.347
72	44.816	20.571	2.204	4.408
73	45.439	20.857	2.235	4.469
74	46.061	21.143	2.265	4.531
75	46.684	21.429	2.296	4.592
76	47.306	21.714	2.327	4.653
77	47.929	22.000	2.357	4.714
78	48.551	22.286	2.388	4.776
79	49.173	22.571	2.418	4.837
80	49.796	22.857	2.449	4.898
81	50.418	23.143	2.480	4.959
82	51.041	23.429	2.510	5.020
83	51.663	23.714	2.541	5.082
84	52.286	24.000	2.571	5.143
85	52.908	24.286	2.602	5.204
86	53.531	24.571	2.633	5.265
87	54.153	24.857	2.663	5.327
88	54.776	25.143	2.694	5.388
89	55.398	25.429	2.724	5.449
90	56.020	25.714	2.755	5.510
91	56.643	26.000	2.786	5.571
92	57.265	26.286	2.816	5.633
93	57.888	26.571	2.847	5.694
94	58.510	26.857	2.878	5.755
95	59.133	27.143	2.908	5.816

96	59.755	27.429	2.939	5.878
97	60.378	27.714	2.969	5.939
98	61.000	28.000	3.000	6.000
99	61.622	28.286	3.031	6.061
100	62.245	28.571	3.061	6.122
101	62.867	28.857	3.092	6.184
102	63.490	29.143	3.122	6.245
103	64.112	29.429	3.153	6.306
104	64.735	29.714	3.184	6.367
105	65.357	30.000	3.214	6.429
106	65.980	30.286	3.245	6.490
107	66.602	30.571	3.276	6.551
108	67.224	30.857	3.306	6.612
109	67.847	31.143	3.337	6.673
110	68.469	31.429	3.367	6.735
111	69.092	31.714	3.398	6.796
112	69.714	32.000	3.429	6.857
113	70.337	32.286	3.459	6.918
114	70.959	32.571	3.490	6.980
115	71.582	32.857	3.520	7.041
116	72.204	33.143	3.551	7.102
117	72.827	33.429	3.582	7.163
118	73.449	33.714	3.612	7.224
119	74.071	34.000	3.643	7.286
120	74.694	34.286	3.673	7.347
121	75.316	34.571	3.704	7.408
122	75.939	34.857	3.735	7.469
123	76.561	35.143	3.765	7.531
124	77.184	35.429	3.796	7.592
125	77.806	35.714	3.827	7.653
126	78.429	36.000	3.857	7.714
127	79.051	36.286	3.888	7.776
128	79.673	36.571	3.918	7.837
129	80.296	36.857	3.949	7.898
130	80.918	37.143	3.980	7.959
131	81.541	37.429	4.010	8.020
132	82.163	37.714	4.041	8.082
133	82.786	38.000	4.071	8.143
134	83.408	38.286	4.102	8.204
135	84.031	38.571	4.133	8.265
136	84.653	38.857	4.163	8.327
137	85.276	39.143	4.194	8.388
138	85.898	39.429	4.224	8.449
139	86.520	39.714	4.255	8.510
140	87.143	40.000	4.286	8.571
141	87.765	40.286	4.316	8.633
142	88.388	40.571	4.347	8.694
143	89.010	40.857	4.378	8.755
144	89.633	41.143	4.408	8.816
145	90.255	41.429	4.439	8.878
146	90.878	41.714	4.469	8.939
147	91.500	42.000	4.500	9.000

148	92.122	42.286	4.531	9.061
149	92.745	42.571	4.561	9.122
150	93.367	42.857	4.592	9.184
151	93.990	43.143	4.622	9.245
152	94.612	43.429	4.653	9.306
153	95.235	43.714	4.684	9.367
154	95.857	44.000	4.714	9.429
155	96.480	44.286	4.745	9.490
156	97.102	44.571	4.776	9.551
157	97.724	44.857	4.806	9.612
158	98.347	45.143	4.837	9.673
159	98.969	45.429	4.867	9.735
160	99.592	45.714	4.898	9.796
161	100.214	46.000	4.929	9.857
162	100.837	46.286	4.959	9.918
163	101.459	46.571	4.990	9.980
164	102.082	46.857	5.020	10.041
165	102.704	47.143	5.051	10.102
166	103.327	47.429	5.082	10.163
167	103.949	47.714	5.112	10.224
168	104.571	48.000	5.143	10.286
169	105.194	48.286	5.173	10.347
170	105.816	48.571	5.204	10.408
171	106.439	48.857	5.235	10.469
172	107.061	49.143	5.265	10.531
	<b>107</b>	<b>49</b>	<b>5</b>	<b>11</b>