

Wiltshire Council

Annual Council

17 May 2011

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

Introduction

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

Review of Allocation of 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 5 political groups on the Council and their respective strengths are as follows:-

Name of Group	No. of Councillors in Group
Conservative	61
Liberal Democrat	24
Labour	2
Independent	8
Devizes Guardians	3

5. Under the regulations, two or more councillors may form and register a group.
6. This report has been prepared on the basis of the strengths of the various political groups set out in paragraph 4.

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. Immediately 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. This is dealt with specifically under the next item of business on the agenda.

Councillors not in a Political Group

9. In the case of councillors 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.

Committees of the Council

10. The Council's Constitution provides for the appointment of the following committees:-

- Strategic Planning
- Area Planning – East, North, South and West
- Licensing
- Standards
- Organisation and Resources Select
- Children's Services Select

Health and Adult Social Care Select
Environment Select
Audit
Appeals
Staffing Policy
Officer Appointments
Pension Fund
Joint Committee for Appointments to Wiltshire Police Authority

11. Outside the scope of this report are the Cabinet and the Standards Committee. The political proportionality rules do not apply to either.

Area Boards

12. Area boards need to be appointed by the Council under Section 102 of the Local Government Act 1972 and 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 purpose of discharging functions delegated by the executive.
13. All unitary councillors representing the electoral divisions covered by the area board will be appointed to their relevant area board.
14. Pewsey and Tidworth are established as a single area committee with two sub-committees, each of which operate as an area board known as Pewsey Area Board and Tidworth Area Board respectively.

Joint Committees

Joint Committee for Appointments to the Wiltshire Police Authority

15. The Council also appoints a Joint Committee for Appointments to the Wiltshire Police Authority. The function of this committee is to formally approve nominations from Wiltshire Council and Swindon Borough Council for appointment to the Police Authority. The Appointments Committee is a Joint Committee of ten members, of whom the Council appoints seven and Swindon Borough Council appoints three.
16. In accordance with regulations made under the Local Government Act 2000 the appointment of this Joint Committee is a local choice function, which means that appointments may be made by either the Council or the Cabinet. The Council's Constitution provides that it should be a matter for the Council.

Health Scrutiny Joint Committees

17. Great Western Ambulance Service (GWAS) This health scrutiny joint committee was established by the local authorities covered by the GWAS area to review poor performance by the Trust. Three representatives were formally appointed to the joint committee in June 2009 on a politically proportional basis ie within the overall scheme of committee places along with

all other committees. This review is continuing and the Council will need to continue to appoint representatives to this joint committee.

18. **Future Health Scrutiny Joint Committees** In June 2009 the Council was informed that there was likely to be an increasing demand for further health scrutiny joint committees with other local authorities, especially relating to the commissioning of specialist services and rare cancers which may be regarded as a substantial variation in service delivery to local residents.

The Council agreed a process to avoid potential delays in the appointment of councillors to any proposed joint committee whereby a pool of councillors comprising the existing membership and substitutes of the Health and Adult Social Care Select Committee was agreed. The select committee would determine which councillors were to be appointed to the joint committee, after consultation with political group leaders. The rules of political proportionality will apply to these appointments save where there are less than 3 places to be filled.

Any appointment will be reported to Council via the Select Committee's minutes and if necessary a review of the allocation of seats to political groups will be undertaken. The number of councillors to be appointed to each joint committee will be agreed by the participating councils.

So far there has been no need to make any such appointments. However the Council is asked to authorise the continuance of this arrangement so that it can be utilised when necessary.

Children's Services 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 councillors to ensure it enjoys a majority. This entitlement has been waived in the past. 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).

Method to Calculate Places

20. 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. (In doing so, the seats with votes on the Children's Services Scrutiny Committee to be filled by the representatives of voluntary aided schools, i.e. Church of England, the Roman Catholic Church and the three elected parent governor representatives should be excluded.)

- (ii) Calculate the proportion that each political group forms of the total membership of the Authority.
 - (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 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).
21. 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 20. Attached to this report at Appendix 1 is the schedule of committee places last agreed by the Council in May 2010.
22. Also attached to this report is a numerical guide to proportional representation on Committees, (Appendix 2).

Matters for Decision

23. The Council is asked:
- (a) To note this report and the legal requirements.
 - (b) To re-appoint the following committees with the terms of reference as set out in the Constitution:-

Strategic Planning
Area Planning – East, North, South and West
Licensing
Standards
Organisation and Resources Select
Children’s Services Select
Health and Adult Social Care Select
Environment Select
Audit
Appeals

Staffing Policy
Officer Appointments
Pension Fund
Joint Committee for Appointment to Wiltshire Police Authority

- (c) To determine an aggregate number of committee places available to members of the Council.
- (d) To appoint Area Boards, constituted as area committees as set out in paragraphs 12 to 14 of this report and within the Constitution, to comprise the Unitary Councillors for that area.
- (e) To agree to the continuation of the arrangements for the appointment of members of the Health and Adult Social Care Committee to any Health Scrutiny Joint Committees that are required as set out in paragraph 18 of this report.

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Unpublished documents relied upon in the production of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

Appendices

Appendix 1 – Draft Scheme of Committee places

Appendix 2 – Numerical Guide to political proportionality