

COUNCIL
28 FEBRUARY 2012

**REVIEW OF ALLOCATION OF SEATS ON COMMITTEES
TO POLITICAL GROUPS**

Introduction

1. Following the resignation of Councillor Colmer as a member of the Liberal Democrat Group, a request has been received for a formal review of the allocation of seats on committees to political groups in accordance with Section 15 of the Local Government and Housing Act 1989.
2. This report will guide the Council in following the legal requirements in conducting this review and appointing Councillors to committees.

Legal Position

3. 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 on receipt of a request for such a review following a change in the size of political groups.
4. 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 have to be by unanimous resolution, i.e. no-one should vote against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political Groups

5. Following Councillor Colmer’s resignation and his decision not to align himself with any existing political group within the Council, there remain five political groups and their respective strengths are now as follows:-

<u>Name of Group</u>	<u>No. of Councillors in Group</u>
Conservative	61
Liberal Democrat	23
Labour	2
Independent	8
Devizes Guardians	3
Ungrouped	1

Principles

6. 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

7. The Council must review its appointments to committees in accordance with the principles laid down in the Act. Immediately this is done, and where there are amendments to the memberships of committees, the relevant Group Leader 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. 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 the Head of Democratic Services of their nominated councillors to serve on committees, preferably before the Council meeting. Group Leaders may also wish to bear in mind the advantages of achieving a geographical spread of appointees.

Councillors not in a Political Group

8. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of 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.

Committees of the Council

9. At the annual meeting of the Council in May 2011 the following committees were formally re-appointed :

Strategic Planning

Area Planning – East, North, South and West
Licensing
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

10. The Council also appointed Area Boards and formally appointed councillors to their respective Area Board. These appointments are outside the scope of this report, as are the Cabinet and the Standards Committee. The political proportionality rules do not apply to these.

Appointment of Substitute Councillors

11. The Constitution provides that the Council will appoint substitute councillors to serve on each committee. Each political group is entitled to appoint up to three substitutes where it has a councillor on that committee. As with nominations of committee members (see para 7 above) it is a legal requirement that the Council formally approves the appointment of substitute members to committees and therefore it is essential that each political group notifies the Head of Democratic Services of their nominated substitute councillors to serve on committees, preferably before the Council meeting.

Joint Committees

12. Great Western Ambulance Service (GWAS) A health scrutiny joint committee was established by the local authorities covered by the GWAS area to review poor performance by the Trust.
13. Joint Committee for the Appointments to the Wiltshire Police Authority 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.

Method to Calculate Places

14. The principles in paragraph 6 can be applied in the following sequence:
 - (i) Calculate the total of seats with votes on all the ordinary committees and the Joint Committee for Appointments to the Police Authority and GWAS. (In doing so, the seats with votes on the Children’s Services Select 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. The “total membership of the Authority” includes vacant seats.
 - (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 6).
 - (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 6).
15. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 6 and the sequence in paragraph 14.
16. Attached to this report at Appendix 1 is a guide to proportional representation on Committees. A scheme of committee places that reflects this guide will be circulated in advance of the Council meeting once I have had the opportunity of discussing the matter further with the relevant Group Leaders.
17. In essence Councillor Colmer’s resignation from the Liberal Democrat Group means that the scheme of committee places agreed by the Council at its annual meeting in May 2011 requires some slight alteration. The allocation of seats to the Liberal Democrat and Labour Groups reduce by 1 each to provide for the allocation of 2 seats to Councillor Colmer.

Matters for Decision

18. The Council is asked:
- (i) To note this report and the legal requirements.
 - (ii) To confirm the total aggregate number and the scheme of committee places available to councillors - to be circulated.

- (iv) To approve the consequential changes to the appointment of councillors to committees to serve until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989, which will be undertaken at the annual meeting of Council in May.

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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