

Title: **Appointment of Committees**

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1. Purpose

Following the Trowbridge Central by-election on 10 July the Council is required to review the allocation of seats on committees in accordance with the Local Government and Housing Act 1989.

2. The Principles of Political Proportionality

Under Section 15 of the Local Government and Housing Act 1989, any two or more elected members of the Council may form themselves into a political group and notify the Proper Officer accordingly. Political groups do not have to correspond to membership of any political party. The Council is then required to allocate seats on Committees and Sub-Committees to the various political groups in proportion to the relative strength of each political group on the Council.

As a consequence of the by-election the political groups on the Council are as follows:

Name of Group	No. of Members in Group
Conservative	27
Liberal Democrat	13
Independent Group	2

There are 2 Councillors (Councillor Chivers and Councillor Clark) not in a political group.

The principles which the Council must apply to Committees are as follows:

- (i) No Committee may comprise only members of one political group;
- (ii) Any political group which comprises a majority of the elected members of the Council must be allocated a majority of seats on each separate relevant Committee;
- (iii) Subject to Rules (i) and (ii), taking the aggregate of all the seats on all the relevant Committees together, each political group must be allocated the proportion of those seats which accords as closely as possible to the size of that group as a proportion of the whole Council. So for

example a political group which comprises 25% of the elected members on the Council must be allocated as close as possible to 25% of all the relevant seats on all the relevant Committees, taken together; and

- (iv) Subject to Rules (i), (ii) and (iii), taking each Committee separately, each political group must be allocated the proportion of the seats on that Committee which accords as closely as possible to the size of that group as a proportion of the whole Council. So for example a political group which comprises 25% of the elected members of the Council must be allocated as close as possible to 25% of the seats on that particular Committee.

- (a) Which Committees do the rules apply to?

The rules apply to Committees appointed under Section 102 of the Local Government Act 1972 for the discharge of the functions of the Council. These are Planning, Staffing and Appointments, and the Appeals Panel. The rules are also applied by the Local Government Act 2000 to the Scrutiny Committee and Audit Committee.

The Council can dis-apply the proportionality requirement to a particular Committee, and adopt a different composition, but only by passing a resolution to that effect without any member voting against it (a "nem con" vote).

The purpose of the Local Joint Consultative Committee is to promote harmonious relations between the authority and its employees and to provide for consultation, in that respect it does not discharge a function of the local authority and is not subject to the political proportionality rules.

The Licensing Committee (set up under the Licensing Act 2003) does not have to be proportionate to political group strengths. In practice, the Licensing Committee has been drawn from those members who had the time to undertake the training and attend the frequent meetings. Council resolved in February 2005 that the Licensing Committee would not be politically balanced. As there is no statutory requirement for proportionality for the Licensing Committee, if the Council decided to make it politically proportional, this would have to be on a stand-alone basis and would not feed back into the calculation under Rule (iii).

The Standards Committee (set up under the Local Government Act 2000) does not have to be politically proportional, and the Constitution states that the membership of the Committee should be "drawn from across the political groups on the Council."

These rules do not apply to Area Seminars which include the elected members of the Council for the area covered by the Area Seminar.

- (b) What about Councillors who are not members of any political group?

There is no requirement for a Councillor to become a member of a political group. The rules provide that seats are allocated to political groups in accordance with their relative strengths as a proportion of the full Council. Council must appoint members not belonging to a political group to any remaining seats which have not been allocated to any political group.

However, because the entitlement of each group must be rounded to a whole number, different combinations of groups sizes and Committee sizes can result in any ungrouped members receiving a disproportionately high or low number of committee seats.

- (c) Can the Council change the size of Committees?

Committees are established by Council, which determines the number of members of each Committee, and can change the size of any Committee if it so wishes. Where the size is prescribed in the Council's Constitution it would also be necessary to change the Constitution accordingly. The only stipulations in the Constitution on the size of a committee is in respect of the Staffing and Appointments Committee, set at 5 and the LJCC set at 12 - 6 Councillors and 6 staff side. When the size of any Committee is altered, it is necessary to review the allocation of seats on all relevant Committees to ensure overall proportionality.

3. Committees of the Council

The Council's Constitution provides for the appointment of the following committees which the Council has established with the membership as stated:

Planning Committee	19
Scrutiny Committee	17
Audit Committee	7
Staffing and Appointments Committee	5
Appeals Panel *	21
* (Appeals Board of 3 members drawn from the Appeals Panel)	
Local Joint Consultative Committee (LJCC)	6 WWDC members
Standards Committee	4 WWDC members
Licensing Committee **	15

** (Maximum of 15 under licensing legislation)

The first 5 committees are subject to the rules relating to political proportionality.

4. **Appointing Members to Committees**

Once the allocation of seats has been made to each political group, the political groups notify the Head of Legal Services of the Group's nominations for each Committee in accordance with those allocations.

The Council is then required to appoint members to the various Committees in accordance with the political group's wishes. Political groups are requested to notify the Head of Legal Services of their respective group's wishes preferably before the day of the Council meeting. Where a group leader fails to notify such nominations within 3 weeks of being notified of the allocation of seats, the Council may appoint any member they wish to the relevant seats.

In making such nominations, political groups must take into account the requirement that no member of the Cabinet can be a member of the Scrutiny Committee or Audit Committee. Similarly, the group leaders must take into account that the Leader of the Council cannot be a member of the Standards Committee and no more than one member of the Cabinet may be a member of the Standards Committee.

5. **Size of Committees and Allocation of Seats**

The size of each committee is a matter for the Council to determine.

The overall total of committee seats is currently 69. The distribution of those seats is shown below:

Table 1

Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	
26	14	2	2	= 44 Members
41 (40.773)	22 (21.955)	3 (3.136)	3	= 69 Seats

The current allocation of seats on each committee is shown below:

Table 2

Planning					
	Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	Total
	11.227 11	6.045 6	0.864 1	1	19

Scrutiny					
	Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	Total
	10.045 10	5.409 5	0.773 1	1	17

Audit					
	Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	Total
	4.136 4	2.227 2	0.318 0	1	7

Staff & Appoint's					
	Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	Total
	2.955 3	1.591 2	0.227 0	0	5

Appeals					
	Con 59.09%	Lib Dem 31.81%	Independent Group 4.45%	Ungrouped	Total
	12.409 12	6.682 7	0.955 1	1	21
Total	40	22	3	4	69

The result of the review is shown below. The Conservative Group gain an extra seat on the Planning Committee and on the Appeals Committee.

Table 3

Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	
27	13	2	2	= 44 Members
42 (42.341)	20 (20.386)	3 (3.136)	3	= 69 Seats

Table 4

Planning					
	Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	Total
	11.659 12	5.614 5	0.864 1	1	19

Scrutiny					
	Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	Total
	10.432 10	5.023 5	0.773 1	1	17

Audit					
	Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	Total
	4.295 4	2.068 2	0.318 0	1	7

Staff & Appoint's					
	Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	Total
	3.068 3	1.477 2	0.227 0	0	5

Appeals					
	Con 61.36%	Lib Dem 29.54%	Independent Group 4.45%	Ungrouped	Total
	12.886 13	6.205 6	0.955 1	1	21
Total	42	20	3	4	69

6. Substitute Members

The Constitution allows for the appointment of substitutes on all its committees (except Standards and Licensing Committee) on a one for one basis. Each political group is therefore entitled to appoint one substitute member for each of its members on that committee. It is a legal requirement for all members and substitute members to be formally appointed by the Council

7. **Matters Requiring Decision by the Council**

Council is asked:

- (a) To note this report and the legal requirements.
- (b) If it wishes to retain and approve the current committee sizes and the aggregate number of Committee places available to members of the Council as 69

and if so,

- (i) to adopt the allocation of seats shown in **Table 4** and to appoint a member of the Conservative Group to the Planning Committee and Appeals Committee in accordance with the nomination of the Conservative Group Leader.