

Council

Annual Council

10 May 2016

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

Name of Group	*No. of Councillors in Group
Conservative	61
Liberal Democrat	20
Labour	4
Independent	10
Ungrouped member	1
Vacancies	2

*These figures will be updated in light of the by-election being held on 5 May in respect of the Amesbury East Division.

5. Under the regulations, two or more councillors may form and register a group. Therefore the UK Independence Party councillor is, subject to the outcome of the aforementioned by-election, regarded as an ungrouped councillor.
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 paragraphs 4 and 5. This report will be updated to take into account the result of the Wiltshire Council by-election and the results of the Swindon Borough Council elections in so far as the membership of the Wiltshire Police and Crime Panel are concerned.

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

7. 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 currently provides for the appointment of the following committees:-

Appeals Committee
Area Planning Committees: Eastern, Northern, Southern and Western
Audit Committee
Children's Select Committee
Environment Select Committee
Health Select Committee
Health and Wellbeing Board
Licensing Committee
Officer Appointments
Overview and Scrutiny Management Committee
Pension Fund Committee
Police and Crime Panel
Staffing Policy Committee
Standards Committee
Strategic Planning Committee

11. Outside the scope of this report are the Cabinet and the Health and Wellbeing Board as the political proportionality rules continue to not apply to these bodies. The rules on political proportionality also do not apply to the Local Pension Board.

12. Local Pension Board

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. Council at its meeting on 24 February 2015 established the Local Pension Board. Such Boards are constituted entirely under the Public Service Pensions Act 2013 and are not local authority committees. The Local Pension Board's terms of reference and membership are included in the Council's constitution. It reports to the administering authority and its membership is as defined in the Public Service Pensions Act 2013. The rules on political proportionality do not apply.

Area Boards

13. 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 purpose 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.
14. All unitary councillors representing the electoral divisions covered by the area board will be appointed to their respective area board. This is dealt with specifically under the next item of business on the agenda.
15. 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.

Health and Wellbeing Board

16. 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. The rules on political proportionality do not apply.
17. The Health and Wellbeing Board was formally established by Council in May 2013 with terms of reference and membership as included in the Council's constitution.

Police and Crime Panel

18. The Council is required under the Police and Social Responsibility Act 2011 to appoint a Police and Crime Panel (PCP). This, despite its title, is a formal joint committee of Swindon and Wiltshire Councils and the two councils are required to meet a "balanced appointment objective" whereby its membership reflects both the geographical and political nature of the two councils plus the skills and experience required to fulfil the Panel's functions.
19. The main function of the panel is to hold the directly elected Police and Crime Commissioner to account for the effective policing of the force area. The role is primarily a scrutiny function but all councillors, both executive and non-executive, can be members as long as the balanced appointment objective is met.

20. The minimum size of the panel is 10 with the addition of two co-opted independent persons. Previous agreement with Swindon Borough Council and the Home Secretary is that Wiltshire's PCP would comprise 11 councillors, plus two independent members, with the ratio of councillors 7:4 in favour of Wiltshire.
21. The membership of the PCP must reflect the political proportionality of the two councils when taken together. Swindon Borough Council will hold elections for a third of its membership on 5 May.
22. Given the elections being held by Swindon Borough Council and the by-election being held by Wiltshire Council on 5 May, further information will be circulated to Council advising on the political composition of both Councils and how this should be reflected in the composition of the Wiltshire Police and Crime Panel.

Children's Select Committee

23. 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). The actual appointments are dealt with under the next item of business on the agenda.

Method of Calculating the Allocation of Places to Political groups

24. 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 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).
25. 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 24. A draft scheme of committee places will be discussed with Group Leaders following the outcome of the by-election on 5 May and will be submitted to Council in due course as Appendix 3.
26. A numerical guide to proportional representation on Committees will also be circulated as Appendix 2 to reflect the Council's updated political composition following the by-election.

Matters for Decision

27. 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:-
 - Appeals Committee
 - Area Planning Committees: Eastern, Northern, Southern and Western
 - Audit Committee
 - Children's Select Committee
 - Environment Select Committee
 - Health Select Committee
 - Health and Wellbeing Board
 - Licensing Committee
 - Officer Appointments
 - Overview and Scrutiny Management Committee
 - Pension Fund Committee
 - Police and Crime Panel
 - Staffing Policy Committee
 - Standards Committee
 - Strategic Planning Committee

- (b) To re-appoint those Area Boards, constituted as area committees as set out in paragraphs 13 to 15 and Appendix 1 of this report and within the Constitution, to comprise the Unitary Councillors for that area.
- (c) 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 with the terms of reference as set out in the Constitution.
- (d) 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 to follow).

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Background papers: None

Appendices

Appendix 1 – List of Area Boards

Appendix 2 - Numerical Guide to political proportionality (to follow)

Appendix 3 – Scheme of committee places (to follow)