

Wiltshire Council

Full Council

21 May 2024

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

Purpose

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

Background

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	59
Liberal Democrat	29
Independent	6
Labour	3

5. Under the regulations, two or more Councillors may form and register a group by notice to the Proper Officer.
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 paragraph 4 above.

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.
- 9. 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.
- 10. 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

- 11. The council currently has one Member who is not a member of any political group. It is at the council's discretion how, if at all, to allocate committee places to an ungrouped member, as this is not set out in legislation. In the past the Council has chosen to reserve a proportion of seats on committees equal to the proportion of councillors who do not form part of a political group, to allocate to the ungrouped member(s) at council's discretion.
- 12. Following discussion with group leaders it was agreed that two committee places would be reserved for the ungrouped Member in accordance with past practice. Those group leaders who would lose committee places under such an arrangement were consulted further, to discuss which places might be given up to the ungrouped Member. Taking account of the principles in Paragraph 7, places were proposed across Licensing Committee, Electoral Committee, or Staffing Policy Committee. This would have been on the basis of creating an additional committee place overall on Licensing or Electoral Review Committee.
- 13. The ungrouped Member indicated that they wished to retain a place on the Western Area Planning Committee, and if this was not to be the case they would not wish to be appointed to any additional committees.

14. Accordingly, taking account of the views of Group Leaders and the ungrouped Member, this report has been calculated on the basis that no committee places will be allocated to the ungrouped Member.
15. If Council were to allocate the ungrouped Member to a single committee place, then proportionally this would be at the expense of the Conservative group.

Committees of the Council

16. 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)
17. 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

18. 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.
19. All unitary Councillors representing the electoral divisions covered by the Area Board will be appointed to their respective area board.
20. 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

21. 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

22. 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.
23. 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

24. 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 up to 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.
25. 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

26. 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.
27. The membership of the Wiltshire Police and Crime Panel must reflect the political proportionality of the two councils.

28. Following elections on 3 May 2024 Swindon's current political composition is as follows:

Conservative: 15
Liberal Democrat: 1
Labour: 41

29. 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 that Swindon is therefore entitled to appoint 1 Conservative and 3 Labour Councillors, leaving Wiltshire to appoint 4 Conservatives, 2 Liberal Democrats, and 1 Independent.

30. Accordingly, there is no change to the Wiltshire Council allocation.

Wiltshire Pension Fund Committee

31. The Wiltshire Pension Fund Committee must also reflect the proportionality of both Wiltshire and Swindon Borough Council as far as practicable.

32. 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.

33. Swindon Borough Council have agreed to appoint 1 Conservative and 1 Labour Councillor, as previously.

34. Following recent by-elections in Wiltshire the proportional allocation of the 5 Wiltshire seats would be: 3 Conservative and 2 Liberal Democrats, with an additional Liberal Democrat at the expense of the Independent Group

Dorset and Wiltshire Fire Authority

35. 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	59	4 seats (3.649)
Lib Dem	29	2 seats (1.794)
Labour	3	0 seats (0.186)
Independent	6	0 seats (0.371)

Method of Calculating the Allocation of Places to Political groups

36. 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. In this case a reservation was offered, but not accepted, and so will not be applied in the allocations.

- 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).
37. 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 36. A draft scheme of committee places is included with this report.
38. A numerical guide to proportional representation on Committees is included at Appendix 2 to reflect the Council’s updated political composition.

Proposal

39. 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 delegate the appointment to Outside Bodies (other than those appointed by Leader of the Council or Area Boards) to the Director, Legal and Governance, in consultation with Group Leaders
- vii. 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)

Report Author: Kieran Elliott, Democracy Manager (Democratic Services), 01225 718504, kieran.elliott@wiltshire.gov.uk

Background papers: None

Appendices

Appendix 1 – List of Area Boards

Appendix 2 – Numerical Guide to political proportionality

Appendix 3 – Draft Scheme of committee places

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)**

Alderbury and Whiteparish, Downton and Ebbles 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, Wylde Valley.

Westbury Area Board

Electoral Divisions (4)

Ethandune, Westbury East, Westbury North, Westbury West.

Appendix 2 – Numerical Guide to Political Proportionality

Total Councillors – 98 (97 as part of groups)

Total Committee places - 172

	Conservative	Liberal Democrat	Labour	Ind
No. of Places	59	29	3	6
1	0.608	0.299	0.031	0.062
2	1.216	0.598	0.062	0.124
3	1.825	0.897	0.093	0.186
4	2.433	1.196	0.124	0.247
5	3.041	1.495	0.155	0.309
6	3.649	1.794	0.186	0.371
7	4.258	2.093	0.216	0.433
8	4.866	2.392	0.247	0.495
9	5.474	2.691	0.278	0.557
10	6.082	2.990	0.309	0.619
11	6.691	3.289	0.340	0.680
12	7.299	3.588	0.371	0.742
13	7.907	3.887	0.402	0.804
14	8.515	4.186	0.433	0.866
15	9.124	4.485	0.464	0.928
16	9.732	4.784	0.495	0.990
17	10.340	5.082	0.526	1.052
18	10.948	5.381	0.557	1.113
19	11.557	5.680	0.588	1.175
20	12.165	5.979	0.619	1.237
21	12.773	6.278	0.649	1.299
22	13.381	6.577	0.680	1.361
23	13.990	6.876	0.711	1.423
24	14.598	7.175	0.742	1.485
25	15.206	7.474	0.773	1.546
26	15.814	7.773	0.804	1.608
27	16.423	8.072	0.835	1.670
28	17.031	8.371	0.866	1.732
29	17.639	8.670	0.897	1.794
30	18.247	8.969	0.928	1.856
31	18.856	9.268	0.959	1.918
32	19.464	9.567	0.990	1.979
33	20.072	9.866	1.021	2.041
34	20.680	10.165	1.052	2.103
35	21.289	10.464	1.082	2.165
36	21.897	10.763	1.113	2.227
37	22.505	11.062	1.144	2.289
38	23.113	11.361	1.175	2.351
39	23.722	11.660	1.206	2.412
40	24.330	11.959	1.237	2.474
41	24.938	12.258	1.268	2.536
42	25.546	12.557	1.299	2.598
43	26.155	12.856	1.330	2.660

44	26.763	13.155	1.361	2.722
45	27.371	13.454	1.392	2.784
46	27.979	13.753	1.423	2.845
47	28.588	14.052	1.454	2.907
48	29.196	14.351	1.485	2.969
49	29.804	14.649	1.515	3.031
50	30.412	14.948	1.546	3.093
51	31.021	15.247	1.577	3.155
52	31.629	15.546	1.608	3.216
53	32.237	15.845	1.639	3.278
54	32.845	16.144	1.670	3.340
55	33.454	16.443	1.701	3.402
56	34.062	16.742	1.732	3.464
57	34.670	17.041	1.763	3.526
58	35.278	17.340	1.794	3.588
59	35.887	17.639	1.825	3.649
60	36.495	17.938	1.856	3.711
61	37.103	18.237	1.887	3.773
62	37.711	18.536	1.918	3.835
63	38.320	18.835	1.948	3.897
64	38.928	19.134	1.979	3.959
65	39.536	19.433	2.010	4.021
66	40.144	19.732	2.041	4.082
67	40.753	20.031	2.072	4.144
68	41.361	20.330	2.103	4.206
69	41.969	20.629	2.134	4.268
70	42.577	20.928	2.165	4.330
71	43.186	21.227	2.196	4.392
72	43.794	21.526	2.227	4.454
73	44.402	21.825	2.258	4.515
74	45.010	22.124	2.289	4.577
75	45.619	22.423	2.320	4.639
76	46.227	22.722	2.351	4.701
77	46.835	23.021	2.381	4.763
78	47.443	23.320	2.412	4.825
79	48.052	23.619	2.443	4.887
80	48.660	23.918	2.474	4.948
81	49.268	24.216	2.505	5.010
82	49.876	24.515	2.536	5.072
83	50.485	24.814	2.567	5.134
84	51.093	25.113	2.598	5.196
85	51.701	25.412	2.629	5.258
86	52.309	25.711	2.660	5.320
87	52.918	26.010	2.691	5.381
88	53.526	26.309	2.722	5.443
89	54.134	26.608	2.753	5.505
90	54.742	26.907	2.784	5.567
91	55.351	27.206	2.814	5.629
92	55.959	27.505	2.845	5.691
93	56.567	27.804	2.876	5.753
94	57.175	28.103	2.907	5.814
95	57.784	28.402	2.938	5.876

96	58.392	28.701	2.969	5.938
97	59.000	29.000	3.000	6.000
98	59.608	29.299	3.031	6.062
99	60.216	29.598	3.062	6.124
100	60.825	29.897	3.093	6.186
101	61.433	30.196	3.124	6.247
102	62.041	30.495	3.155	6.309
103	62.649	30.794	3.186	6.371
104	63.258	31.093	3.216	6.433
105	63.866	31.392	3.247	6.495
106	64.474	31.691	3.278	6.557
107	65.082	31.990	3.309	6.619
108	65.691	32.289	3.340	6.680
109	66.299	32.588	3.371	6.742
110	66.907	32.887	3.402	6.804
111	67.515	33.186	3.433	6.866
112	68.124	33.485	3.464	6.928
113	68.732	33.784	3.495	6.990
114	69.340	34.082	3.526	7.052
115	69.948	34.381	3.557	7.113
116	70.557	34.680	3.588	7.175
117	71.165	34.979	3.619	7.237
118	71.773	35.278	3.649	7.299
119	72.381	35.577	3.680	7.361
120	72.990	35.876	3.711	7.423
121	73.598	36.175	3.742	7.485
122	74.206	36.474	3.773	7.546
123	74.814	36.773	3.804	7.608
124	75.423	37.072	3.835	7.670
125	76.031	37.371	3.866	7.732
126	76.639	37.670	3.897	7.794
127	77.247	37.969	3.928	7.856
128	77.856	38.268	3.959	7.918
129	78.464	38.567	3.990	7.979
130	79.072	38.866	4.021	8.041
131	79.680	39.165	4.052	8.103
132	80.289	39.464	4.082	8.165
133	80.897	39.763	4.113	8.227
134	81.505	40.062	4.144	8.289
135	82.113	40.361	4.175	8.351
136	82.722	40.660	4.206	8.412
137	83.330	40.959	4.237	8.474
138	83.938	41.258	4.268	8.536
139	84.546	41.557	4.299	8.598
140	85.155	41.856	4.330	8.660
141	85.763	42.155	4.361	8.722
142	86.371	42.454	4.392	8.784
143	86.979	42.753	4.423	8.845
144	87.588	43.052	4.454	8.907
145	88.196	43.351	4.485	8.969
146	88.804	43.649	4.515	9.031
147	89.412	43.948	4.546	9.093

148	90.021	44.247	4.577	9.155
149	90.629	44.546	4.608	9.216
150	91.237	44.845	4.639	9.278
151	91.845	45.144	4.670	9.340
152	92.454	45.443	4.701	9.402
153	93.062	45.742	4.732	9.464
154	93.670	46.041	4.763	9.526
155	94.278	46.340	4.794	9.588
156	94.887	46.639	4.825	9.649
157	95.495	46.938	4.856	9.711
158	96.103	47.237	4.887	9.773
159	96.711	47.536	4.918	9.835
160	97.320	47.835	4.948	9.897
161	97.928	48.134	4.979	9.959
162	98.536	48.433	5.010	10.021
163	99.144	48.732	5.041	10.082
164	99.753	49.031	5.072	10.144
165	100.361	49.330	5.103	10.206
166	100.969	49.629	5.134	10.268
167	101.577	49.928	5.165	10.330
168	102.186	50.227	5.196	10.392
169	102.794	50.526	5.227	10.454
170	103.402	50.825	5.258	10.515
171	104.010	51.124	5.289	10.577
172	104.619	51.423	5.320	10.639

Appendix 3 - Draft Scheme of Committee Places

Committee	Total Places for Elected Members	Conservative Group Allocation	Liberal Democrat Group Allocation	Labour Group Allocation	Independent Group Allocation
Strategic Planning Committee	11	7	3	0	1
Northern Area Planning Committee	11	7	4	0	0
Eastern Area Planning Committee	8	6	2	0	0
Southern Area Planning Committee	11	6	3	1	1
Western Area Planning Committee	11	7	3	0	1
Licensing Committee	12	8	4	0	0
Overview and Scrutiny Management Committee	15	8 (-1)	5 (+1)	0	2
Children's Select Committee	13	7	4	1	1
Environment Select Committee	13	7	4	1	1
Health Select Committee	13	8 (-1)	5 (+1)	0	0
Standards Committee	11	7	3	0	1
Audit and Governance Committee	11	7	3	0	1
Staffing Policy Committee	9	6	2	1	0
Officer Appointments Committee	5	3	2	0	0
Electoral Review Committee	10	6	2	1	1
Appeals Committee	8	5	2	0	1
Total	172	105 (-2)	51 (+2)	5	11
		104.619	51.423	5.320	10.639

Proportions based on 97 councillors not including ungrouped Member.