

Wiltshire Council

Annual Council

15 May 2012

**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 one councillor who is not aligned to any particular political group. The respective strengths of those Groups are as follows:-

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

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 has in the past provided 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. There are a number of factors this year that impact on the committees that the Council will be asked to appoint.

Firstly, the Standards Committee which has in the past been outside the scope of the political proportionality rules, now, following the Localism Act, falls within scope and therefore has to be appointed on a political basis.

Secondly, as discussed under the previous item, there has been a review of the Scrutiny function within the Council and this has led to a revised structure being recommended to the Council.

Lastly the Council is under a duty to appoint a joint committee (with Swindon) that holds the directly elected Police and Crime Commissioner (PCC) to account when he is elected in November this year. This committee is called the Police and Crime Panel. The Home Office expects the Panel to operate as a shadow body prior to the election of the PCC and for this reason it is contained within this report. When it is formally brought into effect in November 2012 the Joint Committee for Appointments to the Wiltshire Police Authority will no longer be required. At this stage however the Joint Committee will need to be re-appointed to provide for any vacancies to be filled in the meantime.

12. Under the Health and Social Care Act 2012 the Council is also required to appoint a Health and Wellbeing Board that works with partners, including GP's, to prepare a health wellbeing strategy for the Council and to ensure that the commissioning of services is integrated. The Board has to be formally in place by April 2013 but in the meantime Wiltshire's Board has been working as a shadow board since October 2011. The formal regulations giving details of the way the Board is to work and its composition are not expected until the autumn. At that time it is planned to review the way the Board has worked on

a shadow basis and to recommend any changes which could include membership. For this reason the Board is not included within the political proportionality calculations of this report. In the meantime the Board will continue to operate as a shadow body.

13. Further details of these committees follow in paragraphs 18 to 32.
14. Outside the scope of this report are the Cabinet as the political proportionality rules continue to not apply to this body.

Area Boards

15. Area boards need to be 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. They are not subject to the rules on political proportionality.
16. All unitary councillors representing the electoral divisions covered by the area board will be appointed to their relevant area board.
17. 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.

Standards Committee

18. As discussed in the previous agenda item the appointment of a standards committee is now at the discretion of the Council but if it does appoint such a committee, it is treated as an ordinary committee and is subject to political proportionality.
19. Co-opted members are permitted but they are non-voting and act in an advisory capacity only.
20. It is suggested that in view of the role of the committee that each group should be able to be represented on the committee and this report has been drawn up on this basis.
21. Subject to the rules we are awaiting on the transitional arrangements for the consideration of complaints under the current code of conduct, the Council will also need to continue with its current Standards Committee. So this report will also include the provision to re-appoint the current standards committee (which is not politically proportional and therefore not used in the calculation of overall places) as well as the new standards committee which will be politically proportional.
22. The current standards committee will remain in being until its responsibilities under the existing standards regime have ceased.

Review of Scrutiny

23. As referenced in the previous agenda item significant discussions have taken place on this issue with Group Leaders and in turn the political groups and the Scrutiny Liaison Board, representing the chairs and vice chairs of the main select committees.
24. The consensus has always been that there should be an over-arching management committee that controls the function and the resources and that through this committee a focus on the key areas of the council's work would be maintained. The Committee would also be responsible for developing the relationship between scrutiny and the executive ensuring that wherever possible scrutiny's role and function adds value to the priorities of the council.
25. The structure recommended to the council incorporates this feature plus a sub structure of three subcommittees. It is for the committee to formally determine its substructure and to appoint the subcommittee memberships and therefore these places do not feature in the calculation of overall seats to political groups on committees although it is expected that these places will be allocated by the committee on a politically proportional basis.
26. The management committee will therefore also appoint the co-opted members to the children's services subcommittee and these must include nominees of the Church of England, the Roman Catholic Church and a number of elected parent governor representatives. The Health Scrutiny Sub Committee will also appoint councillors to joint health scrutiny committees such as the Great Western Ambulance Service joint Scrutiny Committee in accordance with the procedure agreed by Council in the past.

Police and Crime Panel

27. As referred to earlier in this report the Council is required under the Police and Social Responsibility Act 2011 to appoint a Police and Crime Panel. 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.
28. 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.
29. Discussions have taken place with both Swindon Council and the Police Authority and progress on work that has been undertaken has been reported to the Police Authority's Partnership Board.
30. The minimum size of the panel is 10 with the addition of two co-opted independent persons. In principle agreement has been reached with Swindon

that Wiltshire will be the host authority and that the ratio of members will be 7:3 in favour of Wiltshire based on relative populations. Notwithstanding that Swindon has all out elections on May 3, based on current political representation across the two councils the 10 members breaks down as follows:

Conservative	7
Liberal Democrat	2
Labour	1

31. Final discussions need to take place between the two councils to confirm both the numerical and political split between the two councils, but for planning purposes the schedule of committee places has been drawn up to reflect this agreement. It has to be stressed that not only has the Council to meet the balanced objective, failure to do so would result in the Secretary of State making the appointments or instructing the Council to do so.
32. An update report on the final arrangements for the Panel will be submitted to the Council meeting in July.

Method to Calculate Places

33. 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).

34. 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 33. A draft scheme of committee places will be discussed with Group Leaders and will be submitted to Council in due course.
35. Attached to this report is a numerical guide to proportional representation on Committees.

Matters for Decision

36. The Council is asked:
 - (a) To note this report and the legal requirements.
 - (b) To appoint/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 (Current and New)
 - Overview and Scrutiny Management
 - Audit
 - Appeals
 - Staffing Policy
 - Officer Appointments
 - Pension Fund
 - Police and Crime Panel
 - Joint Committee for Appointments to the 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 15 to 17 of this report and within the Constitution, to comprise the Unitary Councillors for that area.

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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 – Numerical Guide to political proportionality