



EXTRAORDINARY COUNCIL, 22 OCTOBER 2014

REPORT OF THE MONITORING OFFICER

SUBJECT: RE-ESTABLISHING THE COMMITTEES OF THE COUNCIL

At its annual meeting in June earlier this year, Council appointed its Committees for the coming municipal year. Subject to the agreement of the proposed changes to Overview and Scrutiny, Council will be required to revisit the appointments to reflect the changes.

This report deals with the numbers, sizes and composition of Committees, and makes recommendations for appointments consistent with previous decisions.

There are no human resources or equalities and social inclusion implications or risks attached to this report.

RECOMMENDATIONS

- (1) That, so far as necessary to enable any changes proposed and agreed during this meeting to be carried in to effect, Council Procedure Rule 20.2 (proposals to amend the Constitution to be referred to Governance Committee without discussion) be suspended.
- (2) That, subject to the Council's consideration of any motion or amendment before the meeting relating to changes in the Committee structure, the revised list of Committees in Appendix 1 be appointed for the remainder of the 2014/15 Municipal Year and that:
 - (a) As required by statute, two voting co-optees representing the Church of England and the Roman Catholic Church and three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Children & Learning Overview and Scrutiny Sub-Committee.
 - (b) The other non-elected member "appointments" and invitations to attend shown in the Appendix (and particularly its annexes) be confirmed.
- (3) That, subject to any adjustments required in consequence of decisions made at meeting, the Committees listed in Appendix 1 be appointed with:
 - (a) The memberships sizes and

- (b) The political balance indicated in Appendix 2 and its annexes
- (a) The sizes and seat allocation of the proposed Overview & Scrutiny Board and its Sub-Committees, be agreed on the basis of the allocations proposed in Appendix 2 (as amended at the meeting).
 - (b) That the suggested political balance of those Committees (in accordance with the principles detailed in Appendix 3), be noted and accepted, and seats allocated to Groups accordingly.

Legal Implications and Risks:

Section 15 of the Local Government and Housing Act 1989 provides that an authority must review the representation of different political groups on its committees and appoint to those committees in accordance with the following specified principles:

- that not all seats on a body are allocated to the same political group;
- that the majority of the seats on a body are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
- that the number of seats on ordinary committees which are allocated to each political group bears the same proportion to the total of all the seats on the authority's ordinary committees as is borne by the number of members of that group to the membership of the authority;
- that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Where an authority has determined the allocation of seats to different political parties it has a duty to make appointments to such bodies as soon as practicable after the determination to give effect to such wishes about who is to be appointed to the seats which are allocated to a particular political group as are expressed by that group.

Section 17 of the Act allows exemption from the political balance provisions provided a resolution to effect different representation is passed without any member of the authority voting against.

Where at any time the representation of political groups falls to be reviewed it is the duty of the authority as soon as practicable after the review to determine the allocation to different political groups into which the members of the authority are divided.

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The Local Government (Committees and Political Groups) Regulations 1990 contain detailed provisions as to how the grouping of members and the political balance requirements are to be effected.

The contents and recommendations of this report are in compliance with the 1989 Act and the 1990 Regulations.

Pursuant to Rule 20.1 of the Council Procedure Rules, the Council has capacity to suspend Rule 20.2 for the duration of the meeting.

There are no other immediate legal implications or risks arising from this report.

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Background Papers List

None

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

Name of Committee	Notes
Adjudication and Review Committee	<i>See annex 1</i>
Appointments Committee	
Audit Committee	
Governance Committee	
Highways Advisory Committee	
Licensing Committee	
Pensions Committee	<i>See annex 2</i>
Regulatory Services Committee	
Overview & Scrutiny Board	
Children & Learning Overview and Scrutiny Sub-Committee	<i>See annex 3</i>
Crime and Disorder Sub-Committee	
Environment Overview and Scrutiny Sub-Committee	
Health Overview and Scrutiny Sub-Committee	
Individuals Overview and Scrutiny Sub-Committee	
Towns & Communities Overview and Scrutiny Sub-Committee	
Value Overview and Scrutiny Sub-Committee	
Health & Wellbeing Board	

Adjudication and Review Committee

The major part of the work of this Committee is carried out through Hearings Panels. The composition of Hearings Panels varies according to the nature of the issue adjudicated – as indicated in the following table:

Type of hearing	Membership of Panel
Corporate complaints	Three Members and a non-voting independent person
Children Act complaints	Two Members and an independent person as chairman, with voting rights
Community Care Act complaints	Two Members and an independent person as chairman, with voting rights
Housing tenancy appeals	Three Members

The independent persons used for such hearings are taken from a pool of such people appointed on behalf the Adjudication & Review Committee, managed by Legal & Governance Services, who have received training appropriate to that role.

Pensions Committee

The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.

In addition to the Members of the Committee, there is a voting co-opted member representing the organisations that have scheduled or admitted status within the Council's pension scheme (public and private sector bodies, some of whose employees are members of the pension scheme, mainly because they are former employees whose employment has transferred to another organisation).

Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are entitled to participate in the discussion of exempt or confidential material.

Children and Learning Overview & Scrutiny Sub-Committee

The law requires that the Council co-opt to this Overview & Scrutiny Committee one representative of each of the Anglican and Roman Catholic Churches, and three members representing governors of schools in the three sectors of education, primary, secondary and special. All co-opted Members have the same rights as elected Members, including the right to vote, may attend when issues relating to Education are being discussed and have the right to participate in such discussions.

It should be noted that this statutory requirement applies to any Overview & Scrutiny Sub-Committee that scrutinises education matters.

In addition, the Council's Constitution provides for three non-voting representatives of local teacher unions and professional associations to attend meetings of the Sub-Committee and participate in the discussion of matters relating to education.

APPENDIX 2

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the table overleaf proposes an allocation of seats that is a “reasonably practicable” allocation of seats and can therefore be considered the default position.

The table does not include as part of its calculations any Member who is not part of a Group under the meaning of the Local Government (Committees and Political Groups) Regulations 1990. There is one councillor who is not part of a Group for those purposes and is therefore excluded from the equation. There is therefore an allocation of seats based on 53 Members rather than 54.

The suggested allocation of seats to specific Committees and Sub-Committees is, therefore, somewhat arbitrary (although regard has been had in devising the table to relative workloads etc).

The permutations are not perfect but follow, as nearly as practicable, the considerations and principles discussed in the report and Appendix 1:

In accordance with the provisions of the Council's Constitution:

- All Groups are represented on the Adjudication & Review, Audit, Governance, Highways Advisory, Licensing and Regulatory Services Committees
- The total number of Committee seats is allocated as “reasonably practicably” as possible
- Each Committee is balanced as “reasonably practicably” as possible, taking account of the political balance principles

On this occasion, and assuming that the recommended distribution of seats as set out in the Table to Appendix 2 (or any amendments as set out in notes to the Final or Supplementary agendas) are agreed, it has been possible to allocate to each Group its exact entitlement of seats.

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		CONS		RES		EHRA		UKIP		IRG	
		22		11		8		7		5	
		41.51%		20.75%		15.09%		13.21%		9.43%	
Governance	13	5.40	5	2.70	3	1.96	2	1.72	2	1.23	1
Licensing	11	4.57	5	2.28	3	1.66	1	1.45	1	1.04	1
Regulatory Services	11	4.57	5	2.28	2	1.66	2	1.45	1	1.04	1
Adjudication	10	4.15	4	2.08	2	1.51	2	1.32	1	0.94	1
Highways	11	4.57	5	2.28	2	1.66	2	1.45	1	1.04	1
Pensions	7	2.91	3	1.45	2	1.06	1	0.92	1	0.66	0
Audit	6	2.49	2	1.25	1	0.91	1	0.79	1	0.57	1
Children's	9	3.74	4	1.87	2	1.36	1	1.19	1	0.85	1
Crime	6	2.49	2	1.25	1	0.91	1	0.79	1	0.57	1
Towns	9	3.74	4	1.87	2	1.36	1	1.19	1	0.85	1
Environment	6	2.49	2	1.25	1	0.91	1	0.79	1	0.57	1
Health	6	2.49	3	1.25	1	0.91	1	0.79	1	0.57	1
Individuals	7	2.91	3	1.45	1	1.06	1	0.92	1	0.66	1
Board	16	6.64	7	3.32	3	2.42	2	2.11	2	1.51	2
Seats allocated	128.00		53.00		27.00		19.00		17.00		12.00

POLITICAL BALANCE PRINCIPLES

The Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The relevant principles are, in order of priority:

1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
3. The total share of all the seats available for all Committees allocated to each political Group and to Members not in a Group must be proportionate to that Group's/Members' share of the total Council membership.
4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group or to Members not in a Group must be proportionate to that Group's/those Members' share of total Council membership.

In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own. With the distribution of seats on the Council that results from the election, it is inevitable (a) Groups/Members will not all be able to be represented on every Committee and (b) that one Group's representation on some Committees will be at the expense of another's.

The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.

To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to the Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

The “wishes of the Group” may be communicated to the Proper Officer and will be implemented forthwith. Changes may be effected at any time by notice to the Proper Officer and will be notified to all Members in the next available edition of the weekly Calendar Brief.

It should be noted that the Constitution provides that the Chairmen and Vice-Chairmen of Committees are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council.

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

The seat entitlements of the Groups are agreed by a formula using the percentage of the membership of the Council represented by each Group (or Member(s) not in a Group), operating through a sequence of stages as follows:

First, the percentage of each Group’s membership of the Council (and of any Members not within a Group) is calculated to two decimal places.

Next, that percentage is applied to the number of seats available on each Committee to agree each Group’s potential entitlement to seats on that Committee. Where the resulting figure is not a whole number, generally it is rounded to the nearest whole number following the mathematical convention that numbers below .5 are rounded down, and those .5 or more are rounded up.

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil, as there is a specific number of seats available on each Committee and no other Group may have more seats on any Committee than its entitlement.

The table at the top of the next page shows the basic allocation on the basis of these principles to Committee sizes ranging from 3 Members to 15:

Table

	CONSERVATIVE		RESIDENTS		EHRA		UKIP		IRG	
	22		11		8		7		5	
	41.51%		20.75%		15.09%		13.21%		9.43%	
Size of body	Entitlement	Allocation	Entitlement	Allocation	Entitlement	Allocation	Entitlement	Allocation	Entitlement	Allocation
6	2.49	2	1.25	1	0.91	1	0.79	1	0.57	1
7	2.91	3	1.45	1	1.06	1	0.92	1	0.66	1
8	3.32	3	1.66	1	1.21	1	1.06	1	0.75	1
9	3.74	4	1.87	2	1.36	1	1.19	1	0.85	1
10	4.15	4	2.08	2	1.51	2	1.32	1	0.95	1
11	4.57	5	2.88	2	1.66	2	1.45	1	1.04	1
12	4.98	5	2.49	3	1.81	2	1.58	2	1.13	1
13	5.40	5	2.70	3	1.96	2	1.72	2	1.23	1
14	5.81	6	2.91	3	2.11	2	1.85	2	1.32	1
15	6.23	6	3.11	3	2.26	2	1.98	2	1.42	1
16	6.64	7	3.32	3	2.42	2	2.11	2	1.51	2

Those figures are then applied to the total number of seats available on each Committee, the seats being allocated in order, highest entitlement first, until all seats have been allocated.

Finally, fine adjustment is required to ensure that, so far as reasonably practicable, the seats allocated reflect the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process.

Specific allocations

For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.

Once the number of seats available on each Committee has been agreed, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.