
Meeting: Council
Date: 22 April 2010
Subject: Appointment of Members, Chairmen and Vice-Chairmen to Committees and Other Council Bodies 2010
Report of: Monitoring Officer
Summary: The report outlines the requirements for member appointments to committees and other council bodies, including political proportionality. Nominations from Group Leaders will be circulated separately.

Advising Officer: Barbara Morris, Assistant Director Legal and Democratic and Monitoring Officer
Contact Officer: Mel Peaston, Interim Committee Services Manager
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The appropriate structure and membership of the Council's committees and other bodies will contribute to the proper running of the Council, enabling it to meet its vision, as follows:-

"To improve the quality of life of all in Central Bedfordshire and enhance the unique character of our communities and our environment".

They will also assist in achieving the five Council priorities, which are:-

1. supporting and caring for an ageing population
2. educating, protecting and providing opportunities for children and young people
3. managing growth effectively
4. creating safer communities
5. promoting healthier lifestyles.

Financial:

There are no additional budgetary implications.

Legal:

The appointment of elected members must comply with the proportionality requirements in sections 15 and 16 of the Local Government and Housing Act 1989.

The appointment of co-opted members to the Children's Services Overview and Scrutiny Committee must comply with paragraphs 7 and 9, schedule 1 of the Local Government Act 2000 and the Parent Governor Representatives (England) Regulations 2001 (S 1. 2001/478).

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

RECOMMENDATIONS

1. that the Council confirms for the municipal year 2010/11:-
 - (a) The structure, size and terms of reference of the committees, sub-committees and joint committees set out in sections D1 of the Constitution (the Overview and Scrutiny Committees as amended, set out in Appendix D attached), E2 and J2; and
 - (b) The allocation of seats and substitutes to these and other bodies as listed in Appendix A to this report, in accordance with the political balance rules where they apply.
2. that the appointment of individual Members and substitutes to committees and other bodies be approved (in accordance with nominations to be submitted by the political groups) (Appendix B – to follow);
3. That the appointment of Chairmen and Vice-Chairmen of committees for the municipal year 2010/11 be approved in accordance with nominations to be submitted by the political groups (Appendix C – to follow)
4. That it be noted that the following persons have been appointed to the Children's Services Overview and Scrutiny Committee as co-opted members with voting rights on education matters until 31 March 2013;
 - (a) Mr Doug Landman, Parent Governor Representative;

(c)	Ms Heather Copley, Parent Governor Representative;
(d)	Mr Ben Sear, Parent Governor Representative;
(b)	Mrs Frances Image, Roman Catholic Diocesan Representative;
(e)	John Reynolds, Anglican Diocesan Representative

Political Balance

1. The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules in Sections 15 and 16 of the Local Government and Housing Act 1989. These require the Council to determine the allocation of seats on its 'ordinary' committees and sub-committees, and on certain other prescribed bodies, in proportion to the representation of different political groups on the Council.
2. The principles in the Act, in relation to bodies that are required to be proportional, are:
 - (a) That not all seats on the body are allocated to the same political group;
 - (b) That the majority of seats is allocated to the majority group (see *note)
 - (c) That, subject to (a) and (b) above, the total number of seats on all "ordinary" committees is proportional to the overall balance of political groups on the Council;
 - (d) That, subject to (a), (b) and (c) above, the allocation of seats on individual bodies also reflects the overall balance of political groups on the Council.

*Note: seats reserved for education co-opted members (see paragraphs 19-22 below) are to be taken into account for the purpose of determining how many seats constitute a majority.

2. In the context of the Act, the term 'ordinary' committees includes only committees that have delegated powers to discharge the Council's statutory functions, and does not include informal bodies that are not committees.
3. A 'political group' is constituted when two or more Members sign a written notice, delivered to the Proper Officer, declaring their wish to be treated as a political group and giving the name of the group and of the group's leader.

4. Where there are Members who do not belong to any political group, a proportionate number of the available seats will not be allocated to any political group; and the Council is required to appoint to those seats from among the Members who do not belong to any political group, according to its discretion. Thus a single Independent Member cannot constitute a political group but should be taken into account for the purposes of the overall allocation of available seats.

Appointment of Councillors to Committees, etc.

5. It is necessary to appoint Members to serve on the various committees, joint committees and other Member forums listed in **Appendix A** for the municipal year 2010/11. Also shown are the legal and/or constitutional requirements relating to each committee etc including the agreed constitutional requirements for some joint bodies.
6. **Appendix A** shows the calculations for each of the 'ordinary' committees, joint committees and other Council bodies where the political balance rules apply. However some adjustment will be required to achieve overall proportionality across the 'ordinary' committees as indicated in paragraph 10 below.
7. The political composition of the Council is as follows:

	<i>Conservative</i>	<i>Liberal Democrat</i>	<i>Independent</i>	<i>Total</i>
No. and % of councillors	54 (81.82%)	11 (16.67%)	1 (1.52%)	66 (100%)

8. The total number of seats available on the 'ordinary committees' shown in Appendix A1 is **93**. The following number of seats therefore need to be allocated to each group (*)

(*Whilst not a member of a "group", the independent member is entitled to the remaining seat following proportional allocation of seats to the political groups.)

	<i>Conservative</i>	<i>Liberal Democrat</i>	<i>Independent</i>	<i>Total</i>
Allocation of all proportional seats	76	16	1	93
Total No of seats to which entitled	76.09	15.50	1.41	93
% of seats Allocated	81.72%	17.20%	1.08%	100%
Strength on Council	81.82%	16.67%	1.52%	100%
Variance from target	-0.10%	0.54%	-0.44%	

9. Applying a simple proportional basis to each proportional 'ordinary committee' individually (without reference to overall balance) would produce an allocation of seats on each body as follows:

Number of Seats	Conservative	Liberal Democrat	Independent
18	14.73	3.00	0.27
17	13.91	2.83	0.26
16	13.09	2.67	0.24
15	12.27	2.50	0.23
14	11.45	2.33	0.21
13	10.64	2.17	0.20
12	9.82	2.00	0.18
11	9.00	1.83	0.17
10	8.18	1.67	0.15
9	7.36	1.50	0.14
8	6.55	1.33	0.12
7	5.73	1.17	0.11
6	4.91	1.00	0.09
5	4.09	0.83	0.08
4	3.27	0.67	0.06
3	2.45	0.50	0.05

10. **Section A1 of Appendix A** shows how individual committee memberships would be constituted on this strict proportional basis. This would however result in the Liberal Democrat Group having one seat greater than their proportional entitlement overall. One less Liberal Democrat seat is therefore required to meet the rules on overall balance and that seat would then fall to be filled by the independent Member upon the Council. As the primary calculation is for proportionality in the **overall** number of seats (i.e. proportionality on individual committees/bodies is a secondary factor, to be achieved as far as practicable), the figures shown in **Section A1 of Appendix A** will need amending to achieve the correct balance. Group Leaders have arranged to meet to discuss this further and an amended Appendix A may be submitted prior to the annual meeting. It will then be for the Council to determine how best to achieve the correct overall balance.
11. The number of substitutes is shown in brackets, where they may be appointed. Under the constitution, these will be half the number of seats that each political group holds on the particular committee, being a minimum of one and rounded up in the case of odd numbers. Each independent member not belonging to a political group within the Council is entitled to nominate a substitute to attend in his/her place.
12. Non-proportional bodies are listed in **Section B of Appendix A**
13. The Appointments Panel, from which individual Appointments Sub-Committees will be selected, will need to be appointed at a special meeting of the General Purposes Committee following the Council meeting. Each Sub-Committee will appoint its own Chairman for the meeting.

14. The Employee Partnership Committee and the Joint Consultative and Negotiating Committee for Primary and Secondary Education will also need to be appointed at the special meeting of the General Purposes Committee.
15. The Standards Committee, which is non-proportional, comprises 5 Central Bedfordshire councillors, plus 5 co-opted town or parish councillors and 5 co-opted independent (i.e. non-council) members. As co-opted members were appointed by Shadow Council on 26 February 2009 for the period from 1 April 2009 until the elections to be held in 2011, only the Central Bedfordshire councillors need to be appointed at this meeting.

Appointment of Chairmen and Vice-Chairmen

16. The Council is also requested to appoint Chairmen and Vice-Chairmen of the Council's 'ordinary' committees, nominations for which are submitted in **Appendix C (to follow)**. In the event of more than one nomination being received for the chairmanship or vice-chairmanship of a committee, each nomination in respect of that office will need to be put to the vote.
17. The Standards Committee must be chaired by an independent person serving upon that Committee. The Chairman will be elected at the first meeting of the Standards Committee.
18. The Constitution makes provision for two Deputy Chairmen of the Standards Committee (Part F1 paragraph 1 refers). One will be drawn from among the independent members of the Committee, the other from the Councillor members of the Committee. The Deputy Chairmen will be appointed at the first meeting of the Standards Committee.

Appointment of Co-opted Members (re Education Matters)

19. The Local Government Act and regulations made under it require certain representatives to be co-opted onto any overview and scrutiny committee whose functions relate wholly or partly to any education functions which are the responsibility of the authority's executive. That committee is now the Children's Services Overview and Scrutiny Committee. The co-opted members have a vote on education matters only.
20. The statutory co-optees are:
 - (a) between two and five parent governor representatives who must be appointed following an election among parent governors of schools maintained by the local education authority and may serve for up to four years; the Central Bedfordshire constitution requires three such parent governors; and
 - (b) two church representatives, to be nominated respectively by the Church of England Diocesan Board and the Roman Catholic Diocesan Bishop for the area.
21. The three parent governor representatives who have been duly appointed until 31 March 2013 are:

- (i) Heather Copley
- (ii) Doug Landman
- (iii) Ben Sear

22. The two church representatives who have been duly appointed until 31 March 2013 are:

- (i) Frances Image (Roman Catholic Diocese)
- (ii) Jon Reynolds (Church of England)

Conclusion and Next Steps

23. The appointments to the Council's bodies will be made as detailed above.
24. Immediately after the conclusion of the Council meeting, a special meeting of the General Purposes Committee will be held to appoint the Appointments Sub Committee, the Employee Partnership Committee and the Joint Consultative and Negotiating Committee.

Appendices:

Appendix A – Member Appointments Required by Annual Council:

- A: Proportional Bodies:
 - A1: 'Ordinary Committees'
 - A2: Joint Committee
 - A3: Other Council Bodies

- B: Non-Proportional Bodies:
 - B1: Other Committees and Sub Committees
 - B2: Joint Committees
 - B3: Other Panels and Informal Bodies
 - B4: Other Committees and Sub Committees (ad hoc)
 - B5: Other Bodies

Appendix B – Nominations for Membership of Committees, etc. 2010/11 (To follow)

Appendix C – Nominations for Chairmanship and Vice-Chairmanship of Committees 2010/11. (To follow)

Appendix D – Revised Part D1 of the Constitution - Overview and Scrutiny structure

Background Papers: None