
Meeting: Council
Date: 19 May 2011
Subject: Appointment of Members, Chairmen and Vice-Chairmen to Committees and Other Council Bodies 2011/12
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.

Contact Officer: Mel Peaston, Committee Services Manager
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The appointment of members to committees, etc. in accordance with legal and constitutional requirements is essential to the good governance of the Council.

Financial:

None.

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.I. 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 20011/12:
 - (a) the structure, size and terms of reference of the committees, sub-committees and joint committees set out in sections D1, E2 and J2 of the Council's constitution; 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 20011/12 be approved in accordance with nominations to be submitted by the political group leaders (Appendix C to follow);
4. that the following persons be appointed to the Children's Services Overview and Scrutiny Committee as co-opted members with voting rights on education matters for the period June 2011 to the AGM in May 2015:
 - (a) Mrs Frances Image, Roman Catholic Diocesan representative; and
 - (b) Mr Jon Reynolds, Church of England Diocesan representative.
5. to note that at the meeting of Council on 14 April 2011 Council agreed that the existing co-optees on the Children's Services Overview and Scrutiny Committee would remain in place until June 2011 and that the Monitoring Officer be authorised to appoint from June 2011 until the AGM in 2015, the three additional parent governor representatives who have been duly nominated and elected by parent governors, following completion of the statutory election process.

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 the 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), 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), 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 18-21 below) are to be taken into account for the purpose of determining how many seats constitute a majority.

3. In the context of the Act, '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.
4. 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.
5. 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.

6. Following the election of Members to the new 59-Member Central Bedfordshire Council on 5 May 2011 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 ending 19 April 2012. Also shown are the legal and/or constitutional requirements relating to each committee, etc., including the agreed constitutional requirements for some joint bodies.
7. Appendix A furthermore shows the post-election calculations for each of the 'ordinary' committees, joint committees and other Council bodies where the political balance rules apply, as listed under section 'A. Proportional Bodies'.
8. These calculations are based on the overall balance of political groups on the Council which is as follows:

	Conservative	Liberal Democrat	Independent	Labour	Total
No. and % of councillors	49 83.05%	5 8.47%	4 6.78%	1 1.69%	59 100%
Allocation of all proportional seats	67.27	6.86	5.49	1.37	81

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

Number of Seats	Conservative	Liberal Democrat	Independent	Labour
20	16.61	1.69	1.36	0.34
19	15.78	1.61	1.21	0.32
18	14.95	1.53	1.22	0.31
17	14.12	1.44	1.15	0.29
16	13.29	1.36	1.08	0.27
15	12.46	1.27	1.02	0.25
14	11.63	1.19	0.95	0.24
13	10.80	1.10	0.88	0.22
12	9.92	1.02	0.81	0.20
11	9.14	0.93	0.75	0.19
10	8.31	0.76	0.68	0.15
9	7.47	0.76	0.61	0.15
8	6.64	0.68	0.64	0.14
7	5.81	0.59	0.47	0.12
6	4.98	0.51	0.41	0.10
5	4.15	0.42	0.34	0.08
4	3.32	0.34	0.27	0.07

10. **Appendix A** shows how individual committee memberships could be constituted on this basis. 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 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 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. At the meeting of Council on 14 April 2011 it was noted that in view of the changes anticipated through the Localism Act the Council would in due course need to review its arrangements in relation to the Standards Committee. For the meantime, the terms of office of the existing co-opted members of the Standards Committee were extended until such time as Council has determined what local arrangements it intends to adopt to replace the current statutory regime.
16. There is a separate report on the agenda regarding the appointment by the Leader of the Executive, which is also non-proportional.

Appointment of Chairmen and Vice-Chairmen

17. 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.

Appointment of Co-opted Members (re Education Matters)

18. 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 the Children's Services Overview and Scrutiny Committee. The co-opted members have a vote on education matters only.

19. 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.
20. Three parent governor representatives were appointed for the period 2009 – 2015 but Council, at its meeting on 14 April 2011, determined that the period of appointment should be for a 4-year term in line with the 4-year term of the Council, starting at the beginning of the term of the newly-elected Council in 2011. Nominations are therefore being sought and a postal ballot held among the maintained schools' governing bodies to submit 3 nominations for the parent governor co-optees' places. Under his delegated authority authorised by Council on 14 April 2011, the Monitoring Officer will make the appointments for the period June 2011 until the Council's AGM in 2015.
21. All three parent governors will therefore be in place before the meeting of the Children's Services Overview and Scrutiny Committee on 20 June 2011.

Appendices:

Appendix A – Member Appointments Required by Annual Council

Appendix B – Nominations for Membership of Committees, etc. 2011/12 (to follow)

Appendix C – Nominations for Chairmanship and Vice-Chairmanship of Committees 2011/12 (to follow)

Background Papers: None