

Agenda Item: 11

Meeting: Council

Date: 18 June 2009

Subject: **Appointment of Members, Chairmen and Vice-Chairmen to Committees and Other Council Bodies 2009/10**

Report of: Assistant Director, Legal and Democratic

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: Rob Mills, Committee Services Manager

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATIONS:

1. That the Council confirms for the municipal year 2009/10:
 - (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 2009/10 be approved in accordance with nominations to be submitted by the political groups (Appendix C to follow).
4. That the following persons be appointed to the Children, Families and Learning Overview and Scrutiny Committee as co-opted members with voting rights on education matters for the period to 31 March 2013:
 - (a) Mr Ben Sear, parent governor representative;
 - (b) Mrs Frances Image, Roman Catholic Diocesan representative; and

(c) **Mr Jon Reynolds, Church of England Diocesan representative.**

5. **That the Monitoring Officer be authorised to appoint for the same period the two 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 19-23 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 first election of Members to the new 66-Member Central Bedfordshire Council on 4 June 2009 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 22 April 2010. 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	Total
No. and % of councillors	54 (81.82%)	11 (16.67%)	1 (1.52%)	66 (100%)
Allocation of all proportional seats	82.64 (83)	16.83 (17)	1.53 (1)	101

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
20	16.36	3.33	0.30
19	15.55	3.17	0.29
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. Appendix A shows how individual committee memberships would be constituted on this basis. This would however give the Liberal Democrat Group a total of 19 seats, two more than required to meet the rules on overall balance. 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 Appendix A will need amending to achieve the correct balance. The Liberal Democrat Group should therefore have two fewer seats than shown and the Conservative Group and the Independent Member should each have one more. 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 Licensing Sub-Committee will need to be appointed at a special meeting of the Licensing Committee following the Council meeting.
16. 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.
17. 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

18. 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)

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 was until June 2009 the Scrutiny Committee, but from now on will be the Children, Families and Learning 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. Shadow Council on 26 February 2009 appointed one parent governor representative (following a single nomination received) and two church representatives (nominated by the respective church authorities) to serve on the Scrutiny Committee for the period April to June 2009, with the intention that they would be re-appointed to the Children, Families and Learning Overview and Scrutiny Committee from the date of this annual meeting.
22. Nominations were sought for a further two parent governor representatives from among the parent governors of all maintained schools in the Central Bedfordshire area, in response to which seven nominations have been received, requiring a statutory election process to be conducted among all parent governors. The closing date for the election is 24 June, which will enable all three parent governors to be in place before the first meeting of the Children, Families and Learning Overview and Scrutiny Committee on 14 July. The council is asked to delegate the formal appointment to the Monitoring Officer.
23. The term of office of all five co-opted members will be until 31 March 2013 or until such time as they either cease to be eligible under the regulations or resign, if earlier.

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, Families and Learning 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.

Appendices:

Appendix A – Member Appointments Required by Annual Council

Appendix B – Nominations for Membership of Committees, etc. 2009/10.

Appendix C – Nominations for Chairmanship and Vice-Chairmanship of Committees 2009/10.

Background Papers: N/A