

Report of the Monitoring Officer – Appointments to Committees

Cabinet Member: N/A

Division and Local Member: N/A

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1. Summary

- 1.1** This report sets out proposed changes to appointments to committees, internal / external bodies and panels as a result of changes to political groups.

2. Recommendations

2.1 It is recommended that the Council:

- 1. agrees to increase the composition of the Officer Appeals Committee from six to nine elected members (see 3.2.7 below)**
- 2. agrees to increase the composition of the Constitution & Standards Committee from five to six elected members (see 3.2.7 below)**
- 3. approves the revised committee appointments set out in this report and the Appointments Schedule at Appendix 1 (to follow) – see section 3.2**

3. Background

3.1. Revised appointments to committees, internal/external bodies and panels

- 3.1.1** Appointments are reviewed and agreed at the Council's Annual General Meeting in May each year and immediately following county council elections. In addition, changes to appointments can arise as a result of changes to the form and function of committees and / or the membership or creation of political groups.

3.2 Appointments Schedule: see Appendix 1 to follow

- 3.2.1** Following the 2017 elections, the Council in May 2017 appointed committees and made all related appointments in accordance with the requirements of the Local Government and Housing Act 1989. Revisions to these appointments have been agreed subsequently as part of the Annual General Meetings in

2018 and 2019, along with revisions at other Council meetings where there have been multiple changes requiring approval.

The last report on committee appointments was considered at the Council meeting in July 2019 where appointments were agreed for the Heart of the South West LEP Joint Scrutiny Committee.

3.2.2 The 1989 Act sets out the principles to be used in agreeing the size of and allocation of places to committees (and sub-committees) of the Council and also requires this process to be repeated annually at the Council's AGM. The principles must be followed so far as is reasonably practicable.

3.2.3 The following principles from the 1989 Act, together with a commentary where appropriate, must be applied to the allocation of seats on committees.

1. All the seats should not be allocated to the same political group.
2. A majority group is required to have a majority on all committees unless the Council agrees otherwise. *The proposal in the table in 3.2.4 below satisfies this principle. Local arrangements apply to the Constitution and Standards Committee membership where all political groups are represented and the Scrutiny Committee for Children & Families where the membership includes 5 co-opted members with a vote on education matters only.*
3. Subject to principles (1) and (2), the total number of seats on all the committees of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *The table below reflects this calculation.*
4. Subject to principles (1), (2) and (3), the number of seats on each committee of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *This calculation is also reflected in the table below.*

3.2.4 The position at the Annual General Meeting in May 2019 in terms of entitlement to places was:

Seats held on the Council	33	14	3	2	2	1	55
Committee	Con	Lib Dem	Lab	Ind	Green	Ind Mem	Total
Regulation	5	2	1				8
P&P (Place)	5	2	1				8
P&P (Adults & H)	5	2	1				8
P&P (Child's S)	5	2	1				8
HR Policy	4	2					6
Audit	5	2	1				8
Officer App	4	2					6

Pensions	3	1					4
Fire Authority	5	2	1				8
Exmoor NPA	3	1					4
Con & Standards	1	1	1	1	1		5
Individual cttee totals	45	19	7	1	1	0	73
Overall calculation - total places	45.13	18.58	3.98	2.65	2.65	1.33	73

Notes

- The overall calculation takes priority over individual committee allocations
- As stated above, the Conservative Group must have a majority on each committee unless a 'local arrangement' is agreed. They chose to exercise this right in all cases other than the Constitution & Standards Committee
- On the larger committees (8 members) 1 seat was left on each to be filled either by a representative from the smaller political groups with the first choice being given to the Labour Group as the larger of these
- The Independent and Green group was not entitled to any places on individual committees but had a place on the Constitution and Standards Committee as of right under a proposed 'local arrangement'.

3.2.5 Some of the political groups have previously decided to allocate some of their entitled places to another political group to bring the allocation of seats closer in line with the overall allocation in the table above. By way of example in May 2019 :

- Conservative group allocated a place on Officer Appeals Committee to Cllr Dean Ruddle
- Labour group allocated their place on Regulation Committee to the Green group
- Labour group allocated their place on the Scrutiny Committee for Policies and Place to the Independent group
- Labour group allocated their place on Audit Committee to the Independent group
- Liberal Democrat group allocated one of their places on Scrutiny Committee for Children and Families to the Green group.

3.2.6 Since the Council's meeting in May 2019 there have been further changes to the composition and number of the political groups:

Political Group	May 2019	Current	Difference
Conservative	33	33	0
Liberal Democrat	14	13	-1
Labour	3	3	0
Independent	2	2	0
Green	2	2	0
Somerset	N/A	2	+2

Independent Group			
Individual member	1	0	-1
Totals	55	55	

These changes to the membership of some of the political groups require the Council to make changes to the allocation of seats held by the Council in accordance with the principles set out in 3.2.3 above.

3.2.7 In addition to changes in political group membership it is recommended that the overall number of committee places is increased from 73 to 77. The proposed increases relate to:

- the Officer Appeals Committee membership to be increased from 6 to 9 elected members in order to meet business needs.
- A guiding principle for the Constitution & Standards Committee has been a representative from each of the political groups and as a result of the creation of a new political group it is recommended that the membership is increased to incorporate a representative from the new group.

3.2.8 As a result of the matters shown in 3.2.6 and 3.2.7 a revised calculation of committee places and outside bodies has been undertaken and this is set out below (changes shown in red) :

Seats held on the Council	33	13	3	2	2	2	55
Committee	Con	Lib Dem	Lab	Ind	Green	Som Ind *	Total
Regulation	5	2	1				8
P&P (Place)	5	2	1				8
P&P (Adults & H)	5	2	1				8
P&P (Child's S)	5	2	1				8
HR Policy	4	1	1				6
Audit	5	2	1				8
Officer App	5	2	2				9
Pensions	3	1					4
Fire Authority	5	2	1				8
Exmoor NPA	3	1					4
Con & Standards	1	1	1	1	1	1	6
Individual cttee totals	46	18	10	1	1	1	77
Overall calculation - total places	46.20	18.28	4.20	2.80	2.80	2.80	77

3.2.9 Explanation of the table in 3.2.8 above and summary of current appointments:

- There are now proposed to be **77** committee places in total to be

allocated. These do not divide neatly across the 6 political groups within the overall calculation hence the inclusion of decimal points. This is the second most important calculation after ensuring that the Conservative Group has a majority on each committee where it wants it.

- The Labour group is over-provided for in terms of places on individual committees and need to consider giving up places of their choice under a 'local arrangement' to the Independent group, Green Party and Somerset Independent group to achieve a closer match with the overall calculation (see 3.2.8 above).

Specific actions for each of the groups are:

- **Conservative Group:** to nominate an additional member to the Officer Appeals Committee.
- **Lib Dem Group:** whether the group still wish to allocate one of their places on Scrutiny Committee Children and Families to the Green group.
- **Labour Group:** As the largest of the smaller groups, this Group is entitled to 1 seat on each of the 4, 6, 8 and 9 member committees. However the group is overprovided for in terms of seats on individual committees and therefore needs to give up seats to the Independent Group, Green Group and the new Somerset Independent Group in order to ensure their allocated places are as close as possible to the overall calculation.
- **Independent Group:** To negotiate with the Labour, Green and new Somerset Independent Group on the allocation of two additional committee places (excluding Constitution & Standards Committee).
- **Green Group:** To negotiate with the Labour, Independent and new Somerset Independent Group on the allocation of two additional committee places (excluding Constitution & Standards Committee). To discuss with the Liberal Democrat group whether they still wish to allocate one of their places on Scrutiny Children and Families to the Green group which would aid continuity of membership.
- **Somerset Independent Group:** To negotiate with the Labour, Green and Independent Group on the allocation of two additional committee places (excluding Constitution & Standards Committee).

3.2.10 All political group leaders have been advised of the revised calculations and their proposed nominations and changes to committee places will be set out in a revised Appointments Schedule (Appendix A) which is expected to be published ahead of the Council meeting for approval.

3.2.11 No changes are proposed within this report to the terms of reference of Committees of the Council as agreed by Council and set out within the Constitution.

4. Implications

4.1 Legal & Risk: This report complies with all legal requirements. The only risk to the

Council would result from the Council failing to fulfil its legal obligations as set out in the report through any decisions taken or not taken at this meeting.

4.2 The Council's Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.

4.2 Financial, equalities, sustainability and community safety implications: There are no direct equalities implications arising from any of the proposals in this report. There are also no direct financial, sustainability or community safety implications.

5. Background papers

5.1 Council's Constitution dated May 2019