

Report of the Monitoring Officer – Appointment of Committees and allocation of seats on committees to political groups

Lead Officer & Author: Scott Wooldridge - Monitoring Officer and Head of Governance & Democratic Services

Contact Details: 01823 359043

1. Summary

- 1.1 This report sets out decisions that are required at the Council's Annual General Meeting (AGM) regarding the appointment of committees and the allocation of seats on committees to the political groups. The report also updates the Council on size of the different political groups following the recent elections.

Note – an updated **Appendix 1** with names of members and allocation of committee places to political groups will be published prior to the AGM.

2. Recommendation(s)

2.1 Council is recommended to:-

- (1) Note the election and appointment of the Chair of the Council, Vice Chair of the Council and Leader of the Council agreed at this Annual General Meeting prior to this agenda item.**
- (2) Approve the County Council Appointments Schedule to this report (Appendix 1), to include, as necessary, summary revised terms of reference for proposed new committees, the proposed committees for appointments to be made to and the proposed appointments to Devon and Somerset Fire & Rescue Authority and Exmoor National Park Authority – see sections 3.1 and 3.2 for more detail.**
- (3) To approve the payment of Special Responsibility Allowances (SRA) for any new equivalent SRA qualifying posts created in 1 and 2 above that fit within the existing SRA bandings scheme, pending the Council considering recommendations of the Joint Independent Remuneration Panel in relation to the review of the Members' Allowances Scheme.**
- (4) To agree the dates already agreed for ordinary meetings of the**

County Council for the year as set out in section 3.3

3. Background

3.1 Democratic Arrangements

3.1.1 The Council at its annual meeting following the County Council elections is required to:

- (a) Appoint committees and sub-committees for 2022/23, agree their size (in accordance with the statutory political balance on committee requirements), terms of reference and appoint members to serve on each;
- (b) Elect Chairs and appoint Vice-Chairs of committees for 2022/23 (except the Officer Appeals Committee which appoints its own Chair at each meeting);
- (c) Agree any amendments to the Constitution (including the Scheme of Delegation) required as a result of the decisions made in respect of (a) to (c) above;
- (d) Approve a programme of ordinary meetings of the County Council for 2022/23 and the next Annual General Meeting in May 2023;
- (e) Agree arrangements to approve a calendar of meetings for committees of the Council (noting that the Leader will agree the calendar of meetings for the Cabinet).

This report covers all of these essential requirements.

3.1.2 The results of the 5 May 2022 County Council elections resulted in the following political balance on the Council.

- Liberal Democrats = 61 members
- Conservative = 36 members
- Labour = 5 members
- Green = 5 members
- Independents = 3 members

The Liberal Democrat group therefore forms a majority Administration from 2022 – 27. This report has been prepared on the basis of the political groups reflecting the position set out above (noting that this could change pending the formation of the actual political groups by the Annual General Meeting).

3.1.3 By the time of the AGM meeting we will have clarity on the Council's political groups. Under the regulations, two or more councillors may form and register

a group. The formation of political groups will then inform the final calculation of seats on committees and boards for each of the groups. That allocation of seats will conclude with the nomination of members for the seats. It is anticipated that the appointments schedule (**Appendix 1**) setting out the proposed nominations from each of the political groups will be published either immediately prior to or on the day of the Annual General Meeting.

3.1.4 **Model of Governance and the role of Full Council**

For the benefit of new members the Council currently operates a Leader and Cabinet model of governance in accordance with legislative requirements. The Council has operated this model of governance since 2001. The main alternative model is the committee system model of governance and a small number of councils use this. The third option – the directly elected mayor model – has previously been not considered appropriate for Somerset and again only a small number of councils (mainly cities) use this. The 'Leader and Cabinet' model offers considerable flexibility and is considered more appropriate to the Council's circumstances and operating model.

3.1.4 The Leader and Cabinet model places the majority of functions carried out by the Council as the responsibility of a small number of councillors operating as an 'Executive' or 'Cabinet'. The Leader has responsibility for agreeing the Cabinet/Executive arrangements and the executive decision-making arrangements across the Council. It is anticipated that the Leader once appointed by the Council will appoint their Cabinet/Executive shortly afterwards via a Leader of Council's decision.

3.1.5 The key role of full Council in a 'Leader and Cabinet model' is to:

- Approve the Council's budget and key policies;
- Appoint the Leader and committees of the Council – which is one of the main tasks of today's meeting.

3.1.6 **Appointment of committees**

In view of the significant organisational change through Local Government Reorganisation in Somerset, to maintain continuity it is proposed at this stage to retain the majority of the existing committee structure and to supplement this with additional committees.

3.1.7 At this stage, the summary of proposed changes to the existing committee structure for the Council to consider relate to:

- Dissolving the current Constitution and Standards Committees
- Establishing a new Constitution and Governance Committee
- Establishing a new Standards Committee
- Establishing a new Scrutiny Policies and Environment Committee

The proposed committees are set out in **Appendices 1 and 3**.

3.1.8 Following the County Council elections and in accordance with the Somerset Structural Changes Order 2022, the number of County Councillors has increased significantly from 55 to 110. Consequently, work has been undertaken to review the committee sizes and their quoracy of other councils that have completed local government reorganisation. This benchmarking work has focused on Wiltshire and Buckinghamshire councils due to their comparable number of elected members of 98 and 120 respectively.

3.1.9 Key points from that benchmarking are:

- Size of Council committees - the average County Council committee size is currently 8 elected members whereas this is between 11-15 for Wiltshire and Buckinghamshire
- Quorum – this is usually set at about ¼ of the membership of the relevant committee (with a minimum of 3 members) but can increase to over 50% of the membership where this relates to decision making committees

3.1.10 Consequently it is proposed that the Council considers the appointment of the following committees, together with their size and quorum:

Council Committees – required to be politically balanced	No of places	quorum
Appointments Committee	5	3
Audit	13	5
Constitution & Governance *	13	5
Human Resources	13	5
Officer Appeals	13	3
Pension Fund	4	3
Regulation	13	5
Scrutiny (Environment)	13	5
Scrutiny (Place)	13	5

Scrutiny (Adults & Health)	13	5
Scrutiny (Children)	13	5
Individual cttee totals	126	

*- proposed new committees

Council Committees – <i>not required to be politically balanced</i>	No of places	quorum
Somerset Health and Well-Being Board	5	3

Under the Health and Social Care Act 2012, the Council is required to appoint a Health and Wellbeing Board that works with partners, including the GP led Clinical Commissioning Group (CCG), to prepare a Joint Health and Wellbeing Strategy for the Council and the CCG and to encourage the delivery of integrated services. The Board is to be regarded as an ordinary committee of the Council and is therefore appointed by the Council, reports to the Council and with membership, as defined by the legislation, agreed by the Council.

Council Committees – <i>balanced locally</i>	No of places	quorum
Standards * (and 5 independent co-opted members)	5	3

*- proposed new committee

Joint Committees – politically balanced	No of places appointed from county council
Heart of the South West Joint Committee	1
Heart of the South West Joint Scrutiny Committee (LEP)	4

Joint Committees – locally balanced	No of places appointed from county council
Local Government Reorganisation Joint Scrutiny Committee **	8

** - subject to Council approval to re-establish

Appointments to other authorities – locally politically balanced	No of places appointed from county council
Devon and Somerset Fire and Rescue Authority	8
Exmoor National Park Authority	4

Note that the political proportionality rules do not apply to the Cabinet/Executive or the Pension Board. Under the Public Service Pensions Act 2013 and consequent amendments to the Local Government Pension Scheme Regulations 2013, each administering authority is required to appoint a local pension board to assist the administering authority to comply with relevant legislation and guidance, and to ensure the effective and efficient governance and administration of the Local Government Pension Scheme. Such Boards are constituted entirely under the Public Service Pensions Act 2013 and are not local authority committees.

3.2 Appointments / Allocation of places

- 3.2.1 Under the Local Government & Housing Act 1989 and subsequent Regulations, the Council must review the representation of the different political groups on committees at the annual Council meeting.
- 3.2.2 **Appendix 1** will set out arrangements to enable the Council to meet the requirements of the Local Government and Housing Act 1989 which requires the application of certain rules to the appointment of council committees.

The Schedule will provide for:

- (a) The appointment of members to the committees of the Council.

- (b) The appointment of chairs and vice-chairs of the committees where appropriate.

3.2.3 Using the assumption that the formation of political groups will correspond with the election results then this will mean the following political balance and overall entitlement to seats:

Political Group	No of Members	Overall entitlement to committee seats
Liberal Democrat	61	55.5%
Conservative	36	32.7%
Labour	5	4.5%
Green	5	4.5%
Independent	3	3%
Individual member	0	0%
Totals	110	100%

3.2.4 The number of seats on ordinary committees are allocated to each political group in the same proportion as the overall strength of each political group as far as practicable. This excludes the Cabinet as those appointments are made by the Leader of the Council and also any other committee where political balance is not required such as the Health and Well Being Board and the Somerset Waste Board.

3.2.5 The Local Government and Housing Act 1989 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.

3.2.6 **Principles for allocating places** - the following principles from the 1989 Act, together with a commentary where appropriate, must be applied to the allocation of seats on committees.

1. *Preventing domination by a single group:* All the seats should not be allocated to the same political group.
2. *Ensuring a majority group enjoys a majority on all committees.* If one political group has a majority in the full Council, that political group should have a majority on each committee.

3. *Aggregating all committee places and allocating fair shares.* Subject to the above principles 1 and 2, the total number of seats on all the committees of the Council allocated to each political group should be in the same proportion as that political group's seats on the full Council.
4. *Ensuring as far as practicable fairness on each committee:* Subject to the above principles 1, 2 and 3, the number of seats on each committee of the Council allocated to each political group should be in the same proportion as that political group's seats on the full Council.

3.2.7 **Application of the principles** - the Council must review the establishment of its committees in accordance with the principles set out above in 3.2.6. Immediately after this is done, each political group should state the names of the members it wishes to take its allocated places on committees, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable.

3.2.8 **Method of Calculating the Allocation of Places to Political groups** - The principles in paragraph 3.2.6 can be applied in the following sequence:

- (i) Calculate the total number of seats with votes on all the ordinary committees and any Joint Committees.
- (ii) Calculate the proportion that each political group forms of the total membership of the Council. Reserve an appropriate number of seats for any members not in a political group.
- (iii) Apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions "so far as reasonably practicable" can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
- (iv) Apply the proportions to the number of members on each ordinary committee to give provisional entitlement to seats on that committee.

- (v) If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying principle (a) in paragraph 3.2.6).
 - (vi) Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 3.2.6).
- 3.2.9 The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 3.2.6 and the sequence outlined above. A draft scheme of committee places is set out at **Appendix 3**.
- 3.2.10 Explanation of the committee places table in **Appendix 3**:
- There are 126 committee places in total to be allocated. These do not divide neatly across the 5 political groups within the overall calculation hence the inclusion of decimal points. This is the second most important calculation after ensuring that the Liberal Democrat 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 (12 places) and **Appendix 3** shows where places need to be reallocated to the Liberal Democrat, Conservative, Green and Independent Groups. Those reallocations will be set out in **Appendix 1** to be considered at the AGM on 25 May.
- 3.2.11 A numerical guide to proportional representation on Committees is set out at **Appendix 2** to reflect the Council's updated political composition.
- 3.2.12 **Members not in a political group** - In the case of members who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group, has to be reserved, with appointments to these seats being made by the Council at its discretion. There are no members on this Council that are not in a political group at this time.
- 3.2.13 Full Council may waive the political balance rules for any committee(s) where the Council wishes to appoint an alternative number of members from political groups. In order for political balance to be waived no member

must vote against this motion, an objective by a single member would make it necessary to apply strict proportionality. Relevant committees and appointments to other authorities where this is proposed are set out in this report and its appendices e.g. Standards Committee where it is proposed to waive the political balance rules and instead appoint one member from each political group.

- 3.2.14 The Council's Constitution includes a delegation to the Monitoring Officer to make in-year changes between Annual General Meetings to committee appointments in the event of a vacancy occurring and to make changes to appointments to internal, partnership and outside bodies where requested and subject to the conditions being met.

3.3 Council meeting dates

- 3.3.1 Following the elections, the following dates are proposed for Full Council meetings:

2022

20 July

23 November

2023

22 February (Budget Meeting)

24 February (Budget Meeting reserve date)

24 May (1st Annual General Meeting of new Somerset Council)

- 3.3.2 Once the Council meeting today approves the committee structure then the Monitoring Officer will work with committee chairs to finalise and agree the meetings calendar through to the end of 2022/23.

3.5 Members' Allowances

- 3.5.1 The Joint Independent Remuneration Panel that advises the Council on members' allowances will meet following the Full Council AGM to review the changes to the Council's democratic arrangements and make any subsequent recommendations for changes to the Members Allowances Scheme 2022/23 at the earliest available Council meeting.
- 3.5.2 Pending this review it is recommended that any new equivalent SRA qualifying posts created that fit within the existing SRA bandings scheme should be paid the appropriate rate of SRA from the date of appointment. Any further adjustments can be picked up as part of the review.

4. Consultations

- 4.1 Following the election on 5 May, there has been limited time prior to publication of the agenda on 17 May, to have meaningful discussions with all political groups on the proposals set out in this report. All political group leaders and members will receive the proposals and have an opportunity to consider and debate these ahead of and at the AGM.

5. Legal Implications

- 5.1 These are as set out in the report.

6. Impact Assessment

- 6.1 The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the provision of services. There are no direct impacts of these recommendations on the provision of services. There are no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of this proposal.

7. Financial Implications

- 7.1 The immediate financial implications from the proposals set out in this report will relate to any changes to the democratic arrangements outlined in **Appendix 1**. These will relate to posts qualifying for Special Responsibility Allowance payments, additional members' expenses and support costs for the new committees.

The proposals to be considered by the Council, if agreed, are likely to result in:

- an increase of £ 12,915 as a result of the proposed 4 new SRA posts (Chair of Scrutiny Environment £ 7,045, Vice-Chair of Scrutiny Environment £ 2,348, Chair of Standards Committee £2,348, Vice-Chair Constitution and Governance Committee £ 1,174) due to the creation of the new Standards Committee and Constitution & Governance Committee. This is pending the review of the Members' Allowances Scheme which will be brought to Council for consideration.
- An increase of approximately £ 50,000 in member expenses and support costs for the new Committees.
- An increase of approximately £ 30,000 in travel expenses due to overall increase in committee sizes and consequent increase in travel due to

the legal requirements for face to face committee meetings.

Note that the appointment of Cabinet Members and any Cabinet Member Assistants is for the Leader of the Council. Therefore there could be financial implications as a result of those appointments and will be set out in the decision report that the Leader will consider. Additionally there is likely to be the corresponding appointments from the Opposition Group Leader of Opposition Spokespersons. Those cost implications are not known at the time of finalising this report.

The above costs will need to be met by the resources allocated for Democratic Services and additional funding will be required to accommodate these costs in 2022/23. Funding from the Contingency Budget will need to be reallocated to meet these additional costs. Resources will be kept under review by the Monitoring Officer in consultation with the Section 151 Officer throughout 2022/23.

8. Background Papers

- 8.1 Somerset County Council Constitution
- Local Government Act 1972
- Local Government and Housing Act 1989
- Local Government Act 2000
- Localism Act 2011
- Health and Social Care Act 2012
- Public Service Pensions Act 2013
- Somerset Structural Changes Order 2022

Note For sight of individual background papers please contact the report author.