

Report of the Monitoring Officer – Somerset Council appointment of Committees and allocation of seats on committees to political groups

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1. Summary

- 1.1 This report sets out decisions that are required ahead of vesting day (1 April 2023) for the Somerset Council and its Annual General Meeting on XX May 2023 regarding the appointment of committees and the allocation of seats on committees to the political groups for the new Somerset Council .

The appointments of the Chair of the Council, Vice Chair of the Council and Leader of the Council were agreed at the Annual General Meeting on 25 May 2022. Appointments to those roles for the new Council will need to be agreed at the AGM in May 2023.

Note – an updated **Appendix 1** with names of members and allocation of committee places to political groups will be published prior to the meeting as this is being consulted upon with the political group leaders.

2. Recommendation(s)

2.1 Council is recommended to:-

- (1) Approve the Council Appointments Schedule to its committees and joint committees (Appendix 1).**
- (2) Note that the Leader of the Council will approve appointments to the Health & Well-Being Board and the Heart of the South-West Joint Committee.**
- (3) Endorse the recommendations from the current Standards Committee and agree to continue to set aside the political proportionality rules for the new Standards Committee and instead allocate a place to an elected member from each of the five political groups.**

- (4) Delegate authority to the Monitoring Officer to make amendments to committee appointments in Appendix 1 and agree appointments to any vacancies that arise. Where changes to committee appointments are required then appointments will be made in accordance with the wishes of the relevant political group leader.**
- (5) Agree Wednesday 24 May 2023 as the date for the Annual General Meeting for Somerset Council.**

3. Background

3.1 Democratic Arrangements

Following the approval of the Somerset Structural Changes Order 2022, Somerset Council will come into effect on 1 April 2023 as part of local government reorganisation in Somerset.

The Constitution for the Somerset Council was agreed at the meeting of Somerset council on the 22 February 2023. The new committee structure for Somerset Council is detailed in Parts C, D, E, F and G of Constitution.

The Council is therefore required to :

- (a) Appoint committees and sub-committees from 1 April 2023 and 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 from 1 April 2023 (except the Officer Appeals Committee which appoints its own Chair at each meeting);
- (c) Agree and delegate authority to the Monitoring Officer to make 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 Wednesday 24 May 2023 as the date for the Annual General Meeting;

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 members elected on 5 May 2022 will be the members of the new Somerset Council.

The Liberal Democrat group formed a majority Administration from 2022 – 27. This report has been prepared on the basis of the political groups reflecting the position set out above.

3.1.3 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 Meeting.

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

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 Executive arrangements and the executive decision-making arrangements across the Council. The Leader of the Council will confirm his Executive at the Executive meeting on 27 February.

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

3.1.6 **Appointment of elected members to the Council's Committees**

A new committee structure has been agreed for the new Somerset Council at its meeting on 22 February 2023 when the Council agreed the Constitution for the new Council from 1 April 2023.

3.1.7 The proposed elected member appointments to the committees are set out in **Appendix 1**.

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 was undertaken to review the committee sizes and their quoracy of other councils that have completed local government reorganisation. This benchmarking work 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 Since May 2022, the Council has operated with the majority of its committees with a membership of 13 elected members and a quorum of 5. This enables representation from the majority of political groups on committees. These arrangements have operated well. Following the Council's approval to the Constitution for the new Somerset Council then the Council's committees, together with their size and quorum are:

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
Licensing and Regulatory	15	5
Licensing sub	3	3
Regulatory sub	3	3
Officer Appeals	13	3
Pension Fund Committee	7	3
Pension Board	1	
Strategic Planning	13	5
Area Planning committee North	13	5
Area Planning committee South	13	5
Area Planning committee East	13	5
Area Planning committee West	13	5
Scrutiny – Corporate and Resources	13	5
Scrutiny -Climate and Place	13	5
Scrutiny -Adults & Health	13	5
Scrutiny – Children and Families	13	5
Scrutiny - Communities	13	5
Committee places total	216	

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>proposed to continue to be balanced locally</i>	No of places	quorum
Standards (and 5 independent co-opted members)	5	3

The Council has for several years set aside political proportionality rules for its Standards Committee and instead agreed to allocate a place to each of the political groups. The Standards Committee recommended that the Council

continues to adopt that approach.

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

Note that the Council's appointments to Devon and Somerset Fire and Rescue Authority and Exmoor National Park Authority are set out in the Outside Bodies appointments report agenda item for Council to consider on 1 March 2023.

Note that the political proportionality rules do not apply to the 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 Whilst it is necessary to make the appointments to committees from 1 April 2023, under the Local Government & Housing Act 1989 and subsequent Regulations, the Council will have to 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 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 Executive 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.

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 216 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 (6 places) and Green Group (5 places) are over-provided for in terms of places on individual committees (total over-provision of 11 places) and **Appendix 3** shows where places need to be reallocated to the Liberal Democrat (2 places), Conservative (3 places) and Independent Groups (6 places). Those reallocations will be set out in the final version of **Appendix 1** to be considered at the Council meeting on 1 March 2023.

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 It is proposed that the Council delegates authority 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 by the relevant political group leader and subject to the conditions being met.

4. Legal Implications

- 4.1 These are as set out in the report.

5. Impact Assessment

- 5.1 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.

6. 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.

Note that the appointment of Executive Lead Members and any Associate Lead Members 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 2023/24. 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 2023/24.

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.