

Report of the Monitoring Officer - Paper A

Proposed allocation of committee places

Lead Officer: Scott Wooldridge - Monitoring Officer

Report author: Scott Wooldridge, Monitoring Officer and Strategic Manager

Governance & Democratic Services

Contact Details: 01823 359043

1. Summary

- 1.1 In accordance with legislation and the Council's Constitution, this is a report to the Annual General Meeting which sets out the political balance of the Council and the matters relating to the allocation and appointments of members for places (also known as seats) on the Council's committees for the 2023/24 municipal year (the period between the Annual General Meetings in May 2023 and May 2024).

Ahead of the establishment of the new Somerset Council, the former County Council agreed at its meeting on 1 March 2023, on behalf of the new Somerset Council, the appointment of Chairs, Vice-Chairs, members and co-opted members to Somerset Council's committees and joint committees. Those approvals included setting aside the political balance (also known as proportionality requirements) rules for the Council's Standards Committee and the four area-based planning committees.

The Council is also asked to endorse the terms of reference for all committees as set out in the Constitution and note that the programme of meetings for the 2023/24 municipal year was agreed by the Council on 1 March 2023.

2. Recommendations

2.1 That the Council:

- (1) Notes the political balance of the Council and agree the proposed allocation of committee places as set out in this report and its appendices;**

- (2) Agrees all of the committees terms of reference, size and quorum arrangements as set out in the Council’s Constitution;**
- (3) Continues to agree the recommendation of the political group leaders to continue to set aside the political balance rules for the Standards Committee and the four area-based Planning Committees and instead allocate places for those committees on the basis set out in Appendix 3;**
- (4) Approves the appointment of Chairs, Vice-Chairs, members and co-opted members to the Council’s committee and joint committees as set out in the Appointments Schedule (see Appendix 3);**
- (5) Delegates authority to the Monitoring Officer, in consultation with the appropriate political group leader, to make in-year changes to committee and joint committee appointments (excluding the appointment of Chairs and Vice-Chairs) in accordance with the allocation of places to political groups by the Council and the wishes of the relevant political group leader.**

3. Background

3.1 Democratic Arrangements

Following the approval of the Somerset Structural Changes Order 2022, Somerset Council came into effect on 1 April 2023 as part of local government reorganisation in Somerset. In accordance with the Structural Changes Order 2022, the 110 members elected on 5 May 2022 are the members of the new Somerset Council.

3.1.2 Where membership of Somerset Council is divided into political groups the Council is required to review and allocate the total number of seats on committees in accordance with the strength of each political group. The number of members of each political group on the Council results in the following political balance:

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

- Independents = 3 members

The Liberal Democrat group form the 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 The above political balance results in the following entitlement to seats for committees where political balance rules apply:

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%

3.1.4 Council Committees

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

On 1 March 2023, the former County Council agreed, on behalf of the new Somerset Council, to set aside the political balance (also known as political proportionality requirements) for the Standards Committee and the four area-based planning committees. Under the Constitution, Full Council is responsible for the appointment of Chairs, Vice-Chairs and members to committees.

- 3.1.5 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. At its meetings on 22 February and 1 March the Council agreed the terms of reference for committees, their size and quorum arrangements:

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
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
Strategic Planning	13	5
Committee places total	163	

The Council agreed at its meeting on 1 March to set aside political balance rules for its Standards Committee and the four area-based Planning Committees. The leaders of the five political groups propose that the Council continues with those arrangements.

Council Committees – required to be politically balanced BUT proposed by political group leaders to continue to set aside political balance and be determined locally	No of places	quorum
Standards (and 5 independent co-opted members)	5	3
Area Planning committee North	13	5
Area Planning committee South	13	5
Area Planning committee East	13	5
Area Planning committee West	13	5

The following are joint committees in partnership with councils from Devon:

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

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 – not required to be politically balanced	No of places	quorum
Somerset Health and Well-Being Board	5	3

Note that the political balance 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.

Board – not required to be politically balanced	No of places	quorum
Pension Board	1	

3.2 Appointments / Allocation of places

- 3.2.1 The Council agreed the appointment of Chairs, Vice-Chairs and membership of its committees on 1 March 2023 prior to the establishment of the new Somerset Council.
- 3.2.2 The Council's committee places (also known as seats) to be allocated to the political groups has been calculated and the political group leaders informed.
- 3.2.3 Appendix 1 sets out guidance regarding the method of allocation of seats / places on committees and comments on the application of this in relation to Appendix 2.

Appendix 2 sets out the calculation of aggregate entitlement to places on Committees on the basis that the Council continues to agree the recommendation of the political group leaders to set aside the political balance rules for the Standards Committee and the four area-based Planning Committees.

- 3.2.4 The Council agreed on 1 March 2023 to set aside political balance rules for the Standards Committee to instead enable one member to be appointed from each of the five political groups to ensure equal representation from each group. If the Council does not continue to set aside the political balance rules for the Standards Committee then the five committee places would instead be allocated on the basis of 3 places to the Liberal Democrat political group and 2 places to the Conservative political group.
- 3.2.5 The political balance of the Council is not distributed in the same proportions for each of the four geographic areas covered by the Planning Committees. The Council wanted to achieve local member representation on Planning Committees as a key principle. The Council agreed on 1 March 2023 to set aside political balance rules for the four area-based Planning Committees and instead allocate places to achieve local member representation. If Council does not continue to set aside political balance rules for the four area-based Planning Committees then the principle of achieving local member representation will be very difficult to achieve. The consequence would be that the thirteen committee places on each of those Planning Committees would instead be allocated on the basis of 7 places to the Liberal Democrat political group, 4 places to the Conservative political group and the remaining 2 places allocated between the three minority groups.

3.2.6 Appendix 3 sets out the political group leaders proposed nominations to the committee places. When approving Appendix 3 the Council will 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 provides 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.

The political group leaders' nominations set out in the Appointments Schedule in Appendix 3 will be published on Tuesday 23 May.

3.2.7 A numerical guide to political proportionality representation on Committees is set out at Appendix 4 and reflects the Council's political composition.

3.2.8 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 objection by a single member would make it necessary to apply political balance rules. The Council previously agreed on 1 March 2023 to set aside the political balance rules for the Standards Committee and the four area-based Planning Committees.

3.2.9 It is proposed that the Council delegates authority to the Monitoring Officer to make in-year changes between Annual General Meetings to committee appointments (excluding Chairs and Vice-Chairs) in accordance with the wishes of the political group leader that relates to the relevant place(s) on a committee.

4. Legal Implications

4.1 The rules governing the allocation of seats on Committees and Sub-Committees to political groups are set out in the Local Government and Housing Act 1989 and regulations made thereunder including the Local Government (Committees and Political Groups) Regulations 1990.

The provisions of the 1989 Act include the requirement that, where Members of the Council are divided into political groups, then the membership of its committees and sub-committees must reflect the political balance of the Council as a whole.

The proposals set out in this report comply with the Council's Constitution.

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

- 6.1 The immediate financial implications from the proposals set out in this report 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 the responsibility of the Leader of the Council. Therefore, there could be financial implications as a result of those appointments and they will be set out in any decision report that the Leader will consider. Additionally, the nominations for the appointment to Opposition Spokesperson roles would be recommended by the Opposition Group to Council to approve.

All of the above costs will need to be met by the resources allocated for Democratic Services in 2023/24. Resources will be kept under review by the Monitoring Officer in consultation with the Section 151 Officer throughout 2023/24.

7. Background Papers

7.1 Somerset Council Constitution

Somerset County Council meetings 22 February 2023 and 1 March 2023

Local Government Act 1972

Local Government Access to Information Act 1985

Local Government and Housing Act 1989

Local Government Act 2000

Local Government Structural Changes Transitional Arrangement Orders 2008

Localism Act 2011

Openness of Local Government Bodies Regulations 2014

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.