

Report to: Council

Date: 4 March 2009

Subject: Changes in membership/appointments to Committees/Panels

Report of: Service Director Borough Solicitor

Contact officer: Christine Charnock- Jones

Purpose / summary: To inform Members of changes in membership of political groups and a consequent need to reallocate seats and make appropriate appointments

Alternative options considered and reason for selecting the one recommended: A review of seat allocations on a change of political group is required

Recommendation / decision: Council is recommended to:-

- 1) to approve the seat reallocations, and
- 2) approve the nominations submitted to the vacant positions on the Committees/Panels detailed within the report, unless alternative nominations are submitted and approved at the meeting of Council.

The decision will be made as a result of this report and will be published within 48 hours

Risks / Implications: None

Financial: n/a

Staffing: n/a

Policy: n/a

Equal Opportunities - Has a Diversity Impact Assessment been conducted? Not required

Wards affected: n/a

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

No

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

No

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes**

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **n/a**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

* delete which applicable

For Cabinet reports only :

Categorisation of the report:	x
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	x
Discussion	
Decision	
Information	

Tracking/Process:

	Consultation	Ward Members	Partners
	Political Group Leaders		
Panel	Overview & Scrutiny	Cabinet	Council
			4 March 2009

There are no Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Proper Officer K.P. Lawson

Date 24 February 2009

Background

1. Members are advised that Councillor E Houlton has given notification that he has resigned from the Democratic Alliance Group and has become a Member of the Conservative Group. The notification was received on the 14 January 2009.
2. As a result of this change to political group membership the Council is obliged to review the allocation of seats on its Committees and Panels.

Legislative requirements

3. Under Section 15 of The Local Government and Housing Act 1989 there are four principles which must be followed in allocating seats:
 - a) All seats on a Committee cannot be allocated to the same political group
 - b) The majority of the seats on each Committee are allocated to the political group holding the majority on the Full Council
 - c) Subject to a) and b) above the number of seats on the total of all the ordinary Committees and Panels of the Council allocated to each political group should bear the same proportion to the proportion on the full Council
 - d) Subject to a), b) and c) above the number of seats on each ordinary Committee of the Council and each joint body allocated to each political group should bear the same proportion to the proportion on the Full Council.

The position prior to Councillor Houlton's change of political group

4. The following table shows the number and percentage of the seats at Full Council, that percentage applied to the 155 overall number of Committee/Panel seats and finally the actual number of seats allocated

Group	No of seats at Full Council	% of seats at Full Council	No of seats on Committees/Panels on a strict numerical basis	Actual No. of Seats Allocated
Labour	41	54.67 %	84.73	87
Democratic Alliance	11	14.67 %	22.73	22
Conservative	10	13.33 %	20.67	20
Independent Group	9	12.00 %	18.60	18
Independent Conservatives	4	5.33 %	8.27	8

The position following Councillor Houlton's change of political group

5. The following table shows the number and percentage of the seats at Full Council following Councillor Houlton's change of political group, that percentage applied to the 155 overall number of Committee/Panel seats and finally the recommended allocation of seats

Group	No of seats at Full Council	% of seats at Full Council	No of seats on Committees/Panels on a strict numerical basis	Actual No. of Seats Allocated
Labour	41	54.67 %	84.73	87
Democratic Alliance	10	13.33 %	20.67	20
Conservative	11	14.67 %	22.73	22
Independent Group	9	12.00 %	18.60	18
Independent Conservatives	4	5.33 %	8.27	8

Proposed Changes to Seat Allocations

6. It can be seen from the above table that the only effect of the change of political group by Councillor Houlton is that the percentages and numbers of seats of the Democratic Alliance and Conservative Groups are reversed with the result that the Conservative Group are entitled to two additional seats on the Committee/Panels and that those seats must be taken from the Democratic Alliance Group.
7. It is suggested that the two additional seats required by the Conservative Group do not come from the Honorary Alderman Nominations, Planning, Regulation or Licensing Committees as the allocation of seats on those committees to the two Groups is currently equal on each. Both the Conservative Group and Democratic Alliance Group currently have 9 seats in total on the Panels (including the new Pay and Review Panel). It is recommended therefore that the allocation of seats on the Panels remain unaffected.
8. The Democratic Alliance Group currently has one more seat than the Conservative Group on each of the Overview and Scrutiny and the Audit Governance and Improvement Review Committees. It is recommended therefore that a seat on each of those two Committees be reallocated from the Democratic Alliance Group to the Conservative Group.
9. The Democratic Alliance Group is required to nominate which of its Members it wishes to take off the Overview and Scrutiny Committee and the Audit Governance and Improvement Review Committee. The Conservative Group is required to nominate which of its Members it wishes to place on those Committees.
10. As Councillor Houlton currently sits on the Environment and Regeneration Panels the Democratic Alliance Group will be required to nominate replacements for Councillor Houlton on each of the two Panels.

Joint Boards

11. Applying the fourth principle of political balance, referred to in paragraph 3 (d) above, has the result that each joint authority should be treated separately with the largest minority grouping on the Council being allocated both the available minority seats on Greater Manchester Fire and Rescue Authority and the Greater Manchester Passenger Transport Authority (GMPTA). Because the Conservative Group is now the largest minority group on the Council there is therefore a requirement to re allocate the minority group seats on each of those two joint boards to the Conservative Group from the Democratic Alliance Group.

AGMA Scrutiny Pool

12. Schedule Four of the AGMA Operating agreement and Constitution contains the protocol for the AGMA joint scrutiny arrangements and provides that each participating AGMA authority may appoint 3 councillors (who are not members of the AGMA Board) to sit on the AGMA Scrutiny Pool. Both sexes must be represented within the 3 elected members from each of the participating authorities. The Schedule also provides that where one quarter of the elected members within a participating authority are from minority groups, one of that participating authority's three members of the scrutiny pool shall come from the minority group with the largest number of seats within that participating authority.
13. Because the Conservative Group is now the largest minority group on the Council the above AGMA rules have the effect that the minority seat on the AGMA Scrutiny Pool should be reallocated to the Conservative Group from the Democratic Alliance Group.
14. In making the above reallocation Council should have regard to the recommendation of Cabinet and the Overview and Scrutiny Committee that the three Members appointed to the AGMA Scrutiny Pool be Members of Wigan Council's Overview and Scrutiny Committee. Members will however recall making an exception when appointing Councillor O'Brien to the AGMA Scrutiny Pool, because he is the Chairman of the Greater Manchester Health Scrutiny Committee and was considered therefore a useful link.

Recommendation

15. Council is recommended to:-

- increase the number of seats on the Overview and Scrutiny Committee allocated to the Conservative Group from 3 to 4;
- decrease the number of seats on the Overview and Scrutiny Committee allocated to the Democratic Alliance Group from 4 to 3;
- increase the number of seats on the Audit Governance and Improvement Review Committee allocated to the Conservative Group from 1 to 2;
- decrease the number of seats on the Audit Governance and Improvement Review Committee allocated to the Democratic Alliance Group from 2 to 1;
- approve the appointment of a Conservative Member in replacement of a Democratic Alliance Member on the Overview and Scrutiny Committee and the Audit Governance and Improvement Review Committee;
- approve the appointment of a Democratic Alliance Member in replacement of Councillor Houlton on the Environment Panel; and
- approve the appointment of a Democratic Alliance Member in replacement of Councillor Houlton on the Regeneration Panel.
- approve the appointment of a Conservative Member in replacement of Councillor B J Fagan on the GMPTA;
- approve the appointment of a Conservative Member in replacement of Councillor R J Derricutt on the Greater Manchester Fire and Rescue Service; and
- approve the appointment of a Conservative Member in replacement of Councillor B J Fagan on the AGMA Scrutiny Pool;

Kevin Lawson
Service Director Borough Solicitor