

EXTRAORDINARY FULL COUNCIL – 9 SEPTEMBER 2024

Committee Sizes, Seats, Chairs and Vice Chairs

ADLD

1. Summary

- 1.1. Following the district by-election for the Abbots Langley and Bedmond Ward on 22 August 2024, the Council's political composition has changed. The size and seating allocations on the council's committees must therefore be updated to reflect the new composition of the Council in accordance with statutory requirements.

2. Details

- 2.1. Three Rivers District Council operates a committee system of governance, meaning that there are no individual executive powers held by councillors and that major decisions are taken by the full Council, its committees and sub-committees, or officers. The council also operates several bodies which may have advisory but not decision-making powers. The bodies which are established by the Council are shown at Appendix B.

Proportionality

- 2.2. In most cases, the committees of the Council are appointed to in accordance with the requirements of the Local Government and Housing Act 1989, which sets out the principle of proportionality. Section 15 of the Act requires the following principles to be followed:
 - a) That not all seats are allocated to the same party
 - b) That the majority party must have the majority of seats on each committee
 - c) Subject to the above two principles, that the number of seats on the total of all the ordinary committees allocated to each group bears the same proportion to the proportion on the Council
 - d) Subject to a) and c) that the number of seats on each ordinary committee allocated to each group bears the same proportion to the proportion on the full Council.
- 2.3. The Act specifies that such determinations must be made in accordance with these principles "so far as reasonably practicable", recognising that the application of the law to the actual figures may not always produce an exact result.
- 2.4. The proportionality for the 2024-24 municipal year was set at the annual meeting of Council held on 21 May 2024. Since that date, changes in political group membership and byelection results have created changes to the political composition of the Council. Accordingly, there are vacancies to which appointments may be made and changes in the numbers of members of each political group on several of the committees of the Council.

Exceptions to proportionality

- 2.5. It should be noted that there are some bodies to which these proportionality requirements do not apply, such as the Local Area Fora which are not formally established committees, and which take their membership from the members of the wards which make up each Forum regardless of each member's political grouping.
- 2.6. The Licensing Committee is established under the Licensing Act 2003. There is no legal requirement under the Act for appointments to the committee to be proportionate. However, as the Licensing Committee also includes functions and responsibilities outside of the Licensing Act 2003 (such as the Gambling Act 2005), it is included in the proportionality calculations and appointments are made on a proportionate basis.

Other matters

- 2.7. Article 4.02(e) of the Council's constitution specifies that the Vice Chair of the Policy and Resources Committee shall be the Deputy Leader of the Council. Article 6.03(ii) specifies that the Chair of the Policy and Resources Committee shall be the Leader of the Council and that the Leader of the Council shall also be the Lead Member for the Local Plan. It finally establishes that the Lead Members of the Council shall be members of the Policy and Resources Committee.
- 2.8. Under Part 3 of the council's constitution – Responsibility for Functions – the terms of reference of the Audit Committee specify that members of the Policy and Resources Committee may not serve on the Audit Committee; and by implication the reverse applies.
- 2.9. Ordinarily, appointments to the Shareholder and Commercial Venture Scrutiny Panel are made by the Policy and Resources Committee, as noted within Appendix B. However, with the Council meeting to determine all other committee and sub-committee places and appointments to this panel not on the agenda for the 9 September 2024 Policy and Resources Committee, Council is invited through this report to exercise its sovereign power to appoint to this panel through agreeing the recommendations of this report, namely recommendations 12.1 through 12.3.

3. Options and Reasons for Recommendation

- 3.1. Council may choose to establish different committees, committees of different sizes, or an alternative proportionality arrangement. However, such changes would require sufficiently detailed proposals to be brought forward with the assistance of officers who could advise on the legislative requirements, and alternative proportionality proposals would need to comply with the four requirements of the Local Government and Housing Act 1989.
- 3.2. The Council could also choose to establish only those committees required by law. This would significantly increase the burden of decision-making on the full Council, likely impeding efficient decision-making, and increase the workload of individual members. This would also undermine the council's position as one that has adopted a committee system of governance.
- 3.3. The political groups may choose to propose different appointees, but such a decision would be a matter for the group itself, subject to the agreement of such appointments by Council or the Monitoring Officer under delegated authority.

3.4. Considering the alternative options within the context of Three Rivers District Council's political makeup and system of governance, the recommendations proposed within this report reflect changes in the political balance on the Council since the 22 August 2024 Abbots Langley and Bedmond Ward byelection whilst still complying with the proportionality requirements on the authority. Finally, the recommendations for delegations to the Monitoring Officer reinforce previous delegations which allow for the political groups to make in-year changes to their committee memberships without needing to wait for a meeting of the full Council to be convened.

4. Policy/Budget Reference and Implications

4.1. There are no direct policy or budget implications.

5. Financial Implications

5.1. There are no direct financial implications

6. Legal Implications

6.1. Legal implications are contained within the body of the report

7. Staffing Implications

7.1. There are no direct staffing implications arising from the recommendations of the report.

8. Equal Opportunities Implications

8.1. There are no direct equal opportunities implications arising from the recommendations of the report.

9. Climate Change and Sustainability Implications

9.1. There are no direct climate or sustainability implications arising from the recommendations of the report.

10. Communications and Website Implications

10.1. Committee memberships are kept up to date on the council's website and any changes agreed by Council will be reflected on the website in the days following the meeting.

11. Risk and Health & Safety Implications

11.1. There are no risk or health and safety implications

12. Recommendation(s)

- 12.1.To approve the establishment of the committees, sub-committees, and other bodies, and proportionality thereof, as set out at Appendix A.
- 12.2.To approve the appointments of the Chairs and Vice Chairs as set out at Appendix B.
- 12.3.To approve the appointments of members to committees, sub-committees, and other bodies as set out at Appendix B.
- 12.4.To agree that where there are any outstanding places the relevant political group may give written notice to the Monitoring Officer of their appointments 10 clear days before the relevant committee is due to meet.
- 12.5.To agree that the political groups may notify the Monitoring Officer of any in-year changes to committee membership by giving written notice 10 clear days before the relevant committee is due to meet.
- 12.6.To delegate authority to the Monitoring Officer to fill any vacant seats reserved for co-opted members, be they unfilled by Council or made vacant through resignation, following the normal recruitment processes for those roles and subject to consultation with the Chair of the relevant committee and the Leaders of the political groups.
- 12.7.To delegate authority to the Monitoring Officer to make any consequential changes to the constitution arising out of this report, such as changes to committee names, size, procedures, and removal of reference to committees not established.

Report prepared by: Matthew Stickley, Interim Group Manager – Democratic and Electoral Services

Data Quality

Data sources: N/A

Data checked by: Matthew Stickley

Data rating:

1	Poor	
2	Sufficient	X
3	High	

Background Papers

None

Appendices

- Appendix A – Proportionality Calculation and Committee Sizes
- Appendix B – Committee Allocations and Chairs