

### **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE COUNCIL**

#### WEDNESDAY 14TH MAY 2014, AT 6.00 P.M.

#### THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

#### SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

#### 13. Appointment of Committees 2014-15 (Pages 1 - 24)

To consider the report of the Head of Legal, Equalities and Democratic Services.

K. DICKS Chief Executive

The Council House Burcot Lane BROMSGROVE Worcestershire B60 1AA

7th May 2014

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### BROMSGROVE DISTRICT COUNCIL

## ANNUAL COUNCIL

#### 14th May 2014

#### APPOINTMENT OF COMMITTEES 2014-15 AND UPDATE OF PART 3 OF THE CONSTITUTION

Relevant Portfolio Holder	Councillor R Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities
	& Democratic Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### 1. <u>SUMMARY OF PROPOSALS</u>

1.1 Members are asked to approve the appointment and composition of the Council's Boards and Committees for the 2014 - 15 Municipal Year.

#### 2. <u>RECOMMENDATIONS</u>

- 2.1 That the updated Part 3 (Part C) of the Council Constitution at Appendix 1 to the report, showing the Allocation of Responsibilities to Committees, be approved;
- 2.2 That for the ensuing Municipal Year, the Committees set out in the table in Appendix 2 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier.
- 2.3 That Members be appointed to the Committees in accordance with nominations to be made by Group Leaders.
- 2.4 That a Working Group consisting of the Leader and Deputy Leader of the Council and Leaders of the Labour and Independent Alliance political groups, be established to review the Council's constitution and bring forward recommendations to future meetings of the Council;
- 2.5 That the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Council's Constitution arising from this report.

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#### Financial Implications

3.1 There are no direct financial implications arising from this report.

#### Legal Implications

3.2 Sections 15 -17 of the Local Government and Housing Act 1989 places a duty on Councils to allocate the seats on certain committees in proportion to the size of the political groups on the Council.

#### Service / Operational Implications

- 3.3 The Council is required by law and/or its own Constitution to appoint various Boards and Committees and to agree the allocation of seats which are subject to the rules of political proportionality.
- 3.4 The rules of political proportionality mean that the political balance of the Council needs to be reflected in the political composition of individual Boards and Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.
- 3.5 Councillors may recall that the political balance was recently reviewed as a result of changes to the size of political groups. This was reported to the Council meeting on 16<sup>th</sup> April.
- 3.6 During informal discussions with political group leaders associated with this, it was suggested that the Council could remove the Appeals Panel from the list of bodies which are appointed annually. This meets infrequently and is small in size. This report recommends that the Panel is appointed as necessary, to enable the appropriate members to be selected according to the nature of the appeal. The requirement for members to be appropriately trained will remain. It is not proposed to change the provision in the current Members Allowance scheme where the Chairman of the Panel is entitled to a Special Responsibility allowance on a per meeting basis.
- 3.7 The terms of reference of the Panel have been amended accordingly as part of a review and update of the relevant chapter of the Constitution. Details are enclosed at Appendix 1 for the Council's approval.
- 3.8 As a result of discussion leading to the proposed removal of the Panel from the annual political balance calculation, a slight change to the size of the Electoral Matters Committee is proposed. A reduction in size from 10 to 9 members is considered appropriate.

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- 3.9 The proposed proportional allocation of seats to Boards and Committees for 2014-15 is set out in Appendix 2. This reflects the proposed changes in paragraphs 3.3 3.8 above. The proposed allocation of seats on each Board/Committee has been done on a strict mathematical basis as shown in Appendix 2. The figures in bold in each column are the number of seats it is proposed should be allocated to each group. The figures in brackets are the mathematical calculations.
- 3.10 Finally, this report proposes that a small cross party working group is established to review the Council's constitution as a whole. The aim of the Group will be to:
  - simplify the document so that it is more "user friendly";
  - remove duplication;
  - prepare the document so that is supports the effective running of the Council following the elections in 2015.

The membership of the Group is proposed to be the Leader and Deputy Leader of the Council and the Leaders of the Labour and Independent Alliance political groups. They will make recommendations to the Council as appropriate during the year.

#### **Customer / Equalities and Diversity Implications**

3.7 No implications have been identified.

#### 4. RISK MANAGEMENT

4.1 There are no significant risks associated with this item.

#### 5. <u>APPENDICES</u>

 Appendix 1 Part 3 (Part C) of the Council Constitution, Allocation of Responsibilities to Committees.
 Appendix 2 Proposed Committees & allocation of Committee Places 2014-15

#### 6. BACKGROUND PAPERS

None

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### AUTHOR OF REPORT

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Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

### **APPEALS PANEL**

Number of Members	3
Politically Balanced Y/N	Υ
Quorum	2
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 15, 17.8, 18.2, 20.1 and 22)
Terms of Reference	To hear, consider and determine appeals in accordance with the Council's policies and procedures
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Appeals Panel; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria. <i>The Panel will be appointed ad hoc and will be</i>
	selected by the Monitoring Officer, or if s/he is unable to act, by the Chief Executive, following consultation with the Leaders of the political groups on the Council and will reflect, as far as reasonably practicable, the political balance of the Council.

Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

### APPOINTMENTS COMMITTEE

Number of Members	3 formerly 5
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul> <li>a. To consider and recommend to Council matters relating to the appointment and dismissal of the Head of Paid Service (Chief Executive), Monitoring Officer, Section 151 Officer and Chief Officers as defined in the Local Authorities (Standing Orders) Regulations 2001;</li> <li>b. For the same officers, to consider and decide on matters relating to disciplinary action, capability or suspension, as required by legislation or the Council's Officer Employment Procedure Rules;</li> <li>c. For the same officers, to decide the appointment of a Designated Independent Person as defined in the Legislation</li> </ul>
Provisions relating to appointment of Chairman	None
Special provisions as to membership	When considering the appointment or dismissal of the Head of Paid Service or other Chief Officers defined in

PART 3

Proposed changes are highlighted in i	italics (PART C)
	paragraph 3 of the Officer Employment Procedure Rules, one member of the Panel must be a member of the Cabinet (paragraph 4 (2) of the Rules).
	Only those Councillors who have undertaken appropriate training may sit on the Appointment Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive, or in his/her absence the Monitoring Officer, will determine whether individual Councillors have met those criteria.
	The Panel shall be appointed ad hoc and comprise 3 members of the Council, selected by the Monitoring Officer, or if s/he is unable to act, by the Head of Paid Service, from nominations by the Leaders of the appropriate Political Groups on the Council.
	The Shared Service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Redditch Borough Council will be co-opted onto the Appointments Panel as a non-voting member.

Appendix 1 Proposed changes are highlighted in italics

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PART 3 (PART C)

### AUDIT BOARD

Number of Members	7, none of whom may be members of the Cabinet	
Attendance by other Councillors	Portfolio Holder with responsibility for finance expected to attend each meeting	
Politically Balanced Y/N	Υ	
Quorum	4	
Procedure Rules applicable	Audit Board Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9 - 11, 13.4, 13.5, 14 - 15, 17.8, 18.2, 20.1 and 22) – if there is any conflict, Audit Board Procedure Rules to take precedence	
Terms of Reference	a. Monitoring the good stewardship of the Council's resources through the work of the Internal Audit function.	
	<ul> <li>Supporting the profile, status and authority of the Internal Audit function and will demonstrate its independence.</li> </ul>	
	c. Contribute towards making the Council, its committees and departments more responsive to the Internal Audit function.	
	d. Responsibility for promoting internal control by the systematic appraisal of the Council's internal control mechanisms, by the development of an anti-fraud culture and by the review of financial procedures.	
	e. Responsibility for focusing audit resources, by agreeing the audit plans and monitoring delivery of the Internal Audit function.	

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Proposed changes are highlighted in italics

	f. Monitoring both internal and external audit performance by ensuring auditor/officer collaboration within the agreed timescales, by securing the timely preparation and response to audit reports, by ensuring the implementation of audit recommendations and by monitoring the finalisation of the annual accounts.
	g. Receive and consider a summary of internal audit work undertaken since the last meeting, plus the current status of this work.
	<ul> <li>Monitor compliance with the Council's standards, codes of practice and policies through the work of the Internal Audit function.</li> </ul>
	i. Monitor compliance with relevant legislative requirements through the work of the Internal Audit function.
	j. The Audit Board will ensure that it acts within the policies and strategies of the Council.
Special provisions as to the Chairman	None
Whipping arrangements	The party whip must not be applied
Substitutes	Trained substitutes are permitted subject to the restriction that each member of the Board may only nominate a substitute on up to two occasions during each municipal year ( as set out in rule 6.4 of the Audit Board Procedure Rules).
Officer attendance	S151 Officer and Audit Services Manager expected to attend each meeting

Appendix 1 Proposed changes are highlighted in italics

#### PART 3 (PART C)

membership	Only those Councillors who have undertaken appropriate training may sit on the Audit Board; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria
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Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

### ELECTORAL MATTERS COMMITTEE

Number of Members	9 formerly 10
Politically Balanced Y/N	Υ
Quorum	4
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9 - 11, 13.4, 13.5, 14, 15, 18.2, 20.1 and 22)
Terms of Reference	To exercise powers and undertake functions relating to electoral matters and elections
Special provisions relating to appointment of Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Electoral Matters Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

### Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

#### LICENSING COMMITTEE

Number of Members	13 Neither the Leader nor Deputy Leader may be a member of the Licensing Committee
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10-11, 13.4, 13.5, 14, <i>19.1.and 19.2 removed</i> and 21)
Terms of Reference	<ol> <li>To exercise all powers and duties of the Council in licensing and registration except the determination of applications and other matters relating to licences or licence applications delegated to Licensing Sub-Committees; in particular (but not limited to) the exercise of all powers and duties conferred by the Licensing Act 2003 and the Gambling Act 2005</li> <li>Enforcement of licensing and registration</li> </ol>
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Licensing Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

Appendix 1 Proposed changes are highlighted in italics

**PART 3** (PART C)

#### LICENSING SUB-COMMITTEE (Parent Committee – Licensing Committee)

Number of Members	3 (from the membership of the Licensing Committee)
Politically Balanced Y/N	Ν
Quorum	2
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)
Terms of Reference	To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Licensing Sub- Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

### Appendix 1

PART 3 (PART C)

Proposed changes are highlighted in italics

#### LICENSING (MISCELLANEOUS) SUB-COMMITTEES A AND B (Parent Committee – Licensing Committee)

Sub-Committee A and Sub-Committee B will sit in rotation

Number of Members	3 (from the membership of the Licensing Committee) including either the Chairman or Vice- Chairman of the Licensing Committee (with a fourth Member on standby for each meeting)
Politically Balanced Y/N	N (but to include where possible a member of the opposition)
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul> <li>To determine licensing applications (other than those arising under the Licensing Act 2003 and the Gambling Act 2005) including (but not limited to):</li> <li>1. private hire and hackney carriage driver, operator and vehicle licensing;</li> <li>2. street trading consents;</li> <li>3. sex shop applications;</li> <li>4. pet shop licences;</li> <li>5. animal boarding licences;</li> <li>6. riding establishment licences;</li> <li>7. charitable collections</li> </ul>
Special provisions as to the Chairman	The Chairman shall be either the Chairman or Vice-Chairman of the Licensing Committee
Whipping arrangements	No whipping is permitted
Special provisions as to membership	Neither the Leader nor Deputy Leader may be a member of the Licensing (Miscellaneous) Sub-

Appendix 1 Proposed changes are highlighted in italics

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Committee
Only those Councillors who have undertaken appropriate training may sit on the Licensing (Miscellaneous) Sub-Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

### Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

#### OVERVIEW AND SCRUTINY BOARD

Number of Members	13, none of whom shall be members of the Cabinet		
Politically Balanced Y/N	Y		
Quorum	5		
Procedure Rules applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Overview and Scrutiny Procedure Rules to take precedence		
Terms of Reference	<ul> <li>The general terms of reference of the Overview and Scrutiny Board will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants</li> <li>The specific terms of reference include:- <ul> <li>a. To receive and consider Councillor Calls for Action</li> <li>b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006)</li> <li>c. To receive and consider Petitions</li> </ul> </li> </ul>		
	<ul> <li>d. To scrutinise the Budget</li> <li>e. To monitor performance improvement</li> <li>f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet;</li> <li>g. To monitor the following Council documents/strategies</li> <li>Council Plan</li> <li>Council Annual Report</li> </ul>		

Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

	<ul> <li>Sustainable Community Strategy</li> <li>Sustainable Community Strategy Annual Report</li> <li>Improvement Plan (full document once a year)</li> <li>Performance Management Strategy/Data Quality Strategy</li> <li>Quarterly Finance &amp; Performance Monitoring report</li> </ul>		
Special provisions as to the Chairman	None		
Officer attendance	A Director is expected to attend each meeting.		
	The relevant Head of Service is expected to attend for consideration of any item within his/her area of responsibility		
Whipping arrangements	When considering any matter in respect of which a member of the Overview and Scrutiny Board is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview and Scrutiny Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.		
Substitutes	Trained substitutes are permitted subject to the restriction that each member of the Board may only nominate a substitute on up to two occasions during each municipal year (as set out in rule 1.3 of the Overview and Scrutiny Procedure Rules). [Substitutes cannot be used for Task Group meetings.]		
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Overview and Scrutiny Board; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual		

Appendix 1	PART 3
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Councillors have met those criteria

Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

### PLANNING COMMITTEE

Number of Members	13 The Leader may not be a member or act as a substitute for a member of the Planning Committee			
Politically Balanced Y/N	Y			
Quorum	5			
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Planning Procedure Rules to take precedence			
Terms of Reference	<ol> <li>To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:-         <ul> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> <li>h. Operational planning policies</li> </ul> </li> <li>To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>			
Special provisions as to the Chairman	The Chairman of Planning cannot be a member of Cabinet			

## Appendix 1

PART 3 (PART C)

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Substitutes	Trained substitutes are permitted			
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Planning Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria			

Appendix 1 Proposed changes are highlighted in italics

PART 3 (PART C)

#### **STANDARDS COMMITTEE**

Number of Members	9 Party Group Leaders may not be members, or act as substitutes for members, on the Standards Committee		
Number of Co-opted Non-voting Members	2 Parish Representatives, who may not also be District Councillors.		
Politically Balanced Y/N	Y		
Quorum	3		
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)		
Terms of Reference	<ul> <li>The Standards Committee will have the following roles and functions:</li> <li>a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;</li> </ul>		
	<ul> <li>assisting the Councillors and co-opted members to observe the Members' Code of Conduct;</li> </ul>		
	c. advising the Council on the adoption or revision of the Members' Code of Conduct;		
	d. monitoring the operation of the Members' Code of Conduct;		
	e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;		
	f. granting dispensations to Councillors and co- opted members from requirements relating to		

Appendix 1PART 3Proposed changes are highlighted in italics(PART C)					
	interests set out in the Members' Conduct;	Code of			
	<ul> <li>g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;</li> </ul>				
	<ul> <li>considering and determining allegating Councillor or co-opted Councillor refailed to follow the Code of Conduct as a breach of the Code is established sanctions as delegated by Full Councer recommendations as to any sanctional appropriate person or body.</li> </ul>	may have and where ed impose cil or make			
	<ul> <li>the exercise of g – h above in relation to the Parish Councils in the Council's area and the members of those parish Councils:</li> </ul>				
	j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations				
	k. monitoring and reviewing the operat Protocol on Member-Member Relation				
Whipping arrangements	No whipping is permitted				
Substitutes	Trained substitutes are permitted for District Councillors.				
	A nominated trained substitute is permitt Co-opted Non-voting Parish Representa shall not be a member of the same paris as either of the Parish Members)	ative (who			
Special provisions as to membership	Only those Councillors who have u appropriate training may sit on the Committee.				
	Quasi-Judicial meetings training will be before Members sit on Hearings.	e required			

### Appendix 2

#### Proposed Committees And Allocation Of Committee Places May 2014

The figures in bold in each column are the number of seats that are allocated on a mathematical basis to each political group. The figures in brackets are the mathematical calculations.

Places are allocated to each group on each committee in the same proportion as the number of seats held by that group as a proportion of the total number of seats on the Council.

For example, the Independent Alliance group (IA) has 4 of the 39 places on the Council – just over 10%. The Group is entitled to 10.26% of the total number of seats on the Committees. The total number of seats is 67, 10.26% of that is 6.7 (rounded up to 7). On each Committee the IA is also allocated 10.26% of the number of places. The total number of seats allocated to each group, when added together, should equal 67.

Committee	Conservative	Labour	Independent Alliance	Total	Comments
	25 Members = 64.10% of total	10 Members = 25.64% of total	4 Members = 10.26% of total		
Overview and Scrutiny Board	<b>8</b> (8.33)	<b>4</b> (3.33)	<b>1</b> (1.33)	13	
Licensing Committee	<b>9</b> (8.33)	<b>3</b> (3.33)	1 (1.33)	13	
Planning Committee	<b>9</b> (8.33)	<b>3</b> (3.33)	1 (1.33)	13	
Standards Committee	<b>6</b> (5.77)	<b>2 (</b> 2.31)	1 (0.92)	9	
Audit Board	<b>4</b> (4.49)	<b>2</b> (1.79)	1 (0.72)	7	
Electoral matters	6 (5.77)	2 (2.31)	1 (0.92)	9	
Appointments Committee	2 (1.9)	1 (0.77	0 (0.3)	3	
TOTAL	44 (+1)	17	6 (-1)	67	
	Entitled to 43 seats (42.9)	Entitled to 17 seats (17.17)	Entitled to 7 seats (6.87)		

To meet political balance requirements, the Conservative Group releases a place on one of the Committees to be taken up by the Independent Alliance. This page is intentionally left blank