## 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.

| The Council House | K. DICKS <br> Chief Executive |
| :--- | :--- |
| 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 <br> \& Democratic Services |
| Wards Affected | All Wards |
| Ward Councillor Consulted | N/A |
| Non-Key Decision |  |

## 1. SUMMARY OF PROPOSALS

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. RECOMMENDATIONS
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 $16^{\text {th }}$ 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. APPENDICES

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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BROMSGROVE DISTRICT COUNCIL

## ANNUAL COUNCIL

14th May 2014

## AUTHOR OF REPORT

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PART 3
Proposed changes are highlighted in italics
(PART C)
APPEALS PANEL
$\left.\begin{array}{|l|l|}\hline \text { Number of Members } & 3 \\ \hline \text { Politically Balanced Y/N } & \text { Y } \\ \hline \text { Quorum } & 2 \\ \hline \begin{array}{l}\text { Procedure } \\ \text { applicable }\end{array} & \begin{array}{l}\text { Council Procedure Rules (with the exception of } \\ \text { Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, } \\ 15,17.8,18.2, ~ 20.1 ~ a n d ~ 22) ~\end{array} \\ \hline \text { Terms of Reference } & \begin{array}{l}\text { To hear, consider and determine appeals in } \\ \text { accordance with the Council's policies and } \\ \text { procedures }\end{array} \\ \hline \begin{array}{l}\text { Special provisions as to } \\ \text { the Chairman }\end{array} & \begin{array}{l}\text { None }\end{array} \\ \hline \begin{array}{l}\text { Special provisions as to } \\ \text { membership }\end{array} & \begin{array}{l}\text { Only those Councillors who have undertaken } \\ \text { appropriate training may sit on the Appeals Panel; } \\ \text { the Chief Executive in consultation with the } \\ \text { Member Development Steering Group will } \\ \text { determine the criteria to be met and the Chief } \\ \text { Executive will determine whether individual } \\ \text { Councillors have met those criteria. } \\ \text { The Panel will be appointed ad hoc and will be }\end{array} \\ \text { selected by the Monitoring Officer, or if s/he is } \\ \text { unable to act, by the Chief Executive, following } \\ \text { consultation with the Leaders of the political groups } \\ \text { on the Council and will reflect, as far as reasonably } \\ \text { practicable, the political balance of the Council. }\end{array}\right\}$

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| Appendix 1 PART 3 <br> Proposed changes are highlighted in italics <br> 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 | 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; <br> 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; <br> c. For the same officers, to decide the appointment of a Designated Independent Person as defined in the Legislation |
| 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 |

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

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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 | Y |
| Quorum | 4 |
| Procedure $\quad$ 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) <br> - 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. <br> b. Supporting the profile, status and authority of the Internal Audit function and will demonstrate its independence. <br> c. Contribute towards making the Council, its committees and departments more responsive to the Internal Audit function. <br> 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. <br> e. Responsibility for focusing audit resources, by agreeing the audit plans and monitoring delivery of the Internal Audit function. |

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|  | 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. <br> g. Receive and consider a summary of internal audit work undertaken since the last meeting, plus the current status of this work. <br> h. Monitor compliance with the Council's standards, codes of practice and policies through the work of the Internal Audit function. <br> i. Monitor compliance with relevant legislative requirements through the work of the Internal Audit function. <br> 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 |

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| Special provisions as to <br> membership | Only those Councillors who have undertaken <br> appropriate training may sit on the Audit Board; <br> the Chief Executive in consultation with the <br> Member Development Steering Group will <br> determine the criteria to be met and the Chief <br> Executive will determine whether individual <br> Councillors have met those criteria |
| :--- | :--- |

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ELECTORAL MATTERS COMMITTEE

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

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## LICENSING COMMITTEE

| Number of Members | 13 <br> 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, 19.1. and 19.2 removed and 21) |
| Terms of Reference | 1. 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 <br> 2. Enforcement of licensing and registration |
| 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 |

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LICENSING SUB-COMMITTEE
(Parent Committee - Licensing Committee)

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

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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 ViceChairman 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 $\quad$ 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 determine licensing applications (other than those arising under the Licensing Act 2003 and the Gambling Act 2005) including (but not limited to): <br> 1. private hire and hackney carriage driver, operator and vehicle licensing; <br> 2. street trading consents; <br> 3. sex shop applications; <br> 4. pet shop licences; <br> 5. animal boarding licences; <br> 6. riding establishment licences; <br> 7. charitable collections |
| 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- |

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

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OVERVIEW AND SCRUTINY BOARD

| Number of Members | 13, none of whom shall be members of the Cabinet |
| :--- | :--- |
| Politically Balanced Y/N | Y |
| Quorum | Rules |
| Procedure <br> applicable | Overview and Scrutiny Procedure Rules and <br> Council Procedure Rules (with the exception of <br> Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, <br> $18.2, ~ 20.1 ~ a n d ~ 22) ~-~ w h e r e ~ t h e r e ~ a n y ~ c o n f l i c t, ~$ |
| Overview and Scrutiny Procedure Rules to take |  |
| precedence |  |$|$| 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 |
| The specific terms of reference include:- |

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|  | - Sustainable Community Strategy <br> - Sustainable Community Strategy Annual Report <br> - Improvement Plan (full document once a year) <br> - Performance Strategy/Data Quality Strategy <br> - Quarterly Finance \& Performance Monitoring report |
| :---: | :---: |
| Special provisions as to the Chairman | None |
| Officer attendance | A Director is expected to attend each meeting. <br> 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 |

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| Proposed changes are highlighted in italics <br> PLANNING COMMITTEE |
| Number of Members |
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| Substitutes | Trained substitutes are permitted |
| :--- | :--- |
| Special provisions as to <br> membership | Only those Councillors who have undertaken <br> appropriate training may sit on the Planning <br> Committee; the Chief Executive in consultation <br> with the Member Development Steering Group will <br> determine the criteria to be met and the Chief <br> Executive will determine whether individual <br> Councillors have met those criteria |

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STANDARDS COMMITTEE

| Number of Members | 9 <br> 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 $\quad$ 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 | The Standards Committee will have the following roles and functions: <br> a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies; <br> b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct; <br> c. advising the Council on the adoption or revision of the Members' Code of Conduct; <br> d. monitoring the operation of the Members' Code of Conduct; <br> e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct; <br> f. granting dispensations to Councillors and coopted members from requirements relating to |

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interests set out in the Members' Code of Conduct;
g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;
h. considering and determining allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established impose sanctions as delegated by Full Council or make recommendations as to any sanctions to the appropriate person or body.
i. the exercise of $\mathrm{g}-\mathrm{h}$ above in relation to the Parish Councils in the Council's area and the members of those parish Councils:
j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations
k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.

No whipping is permitted

| Substitutes | Trained substitutes are permitted for District <br> Councillors. <br> A nominated trained substitute is permitted for the <br> Co-opted Non-voting Parish Representative (who <br> shall not be a member of the same parish council <br> as either of the Parish Members) |
| :--- | :--- |
| Special provisions as to <br> membership | Only those Councillors who have undertaken <br> appropriate training may sit on the Standards <br> Committee. <br> Quasi-Judicial meetings training will be required <br> before Members sit on Hearings. |

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## 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 <br> 25 Members = 64.10\% of total | Labour <br> 10 Members $=25.64 \%$ of total | Independent Alliance 4 Members $=10.26 \%$ of total | Total | Comments |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Overview and Scrutiny Board | 8 (8.33) | 4 (3.33) | 1 (1.33) | 13 |  |
| Licensing Committee | 9 (8.33) | 3 (3.33) | 1 (1.33) | 13 |  |
| Planning Committee | 9 (8.33) | 3 (3.33) | 1 (1.33) | 13 |  |
| Standards Committee | 6 (5.77) | 2 (2.31) | 1 (0.92) | 9 |  |
| Audit Board | 4 (4.49) | 2 (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 | $44(+1)$ <br> Entitled to 43 seats (42.9) | $17$ <br> Entitled to 17 seats (17.17) | $6(-1)$ <br> Entitled to 7 seats (6.87) | 67 |  |

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

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