

TO: **ANNUAL COUNCIL**
24 MAY 2017

ESTABLISHMENT OF COMMITTEES AND ASSOCIATED MATTERS
Director of Corporate Services – Democratic and Registration Services

1 PURPOSE OF REPORT

- 1.1 This report sets out the position regarding the overall allocation of seats on committees. The Council is asked to agree the establishment of committees, and the appointment of Members to serve on committees and other bodies.
- 1.2 The Council is required to determine the allocation of committee seats to party groups and then to appoint to those seats in accordance with the wishes of each party group on the Council. The Conservative Group is now the only Group on the Council. Nominations from the Conservative Group will be tabled at the meeting.

2 RECOMMENDATIONS

- 2.1 **That ordinary committees are established and their size and allocation of seats agreed as a local variation to the proportionality rules, as set out in paragraph 6 of the report;**
- 2.2 **That the Education Governor Nominations Committee is dissolved with effect from May 2017;**
- 2.3 **That the nomination of potential governors is delegated to the Director of Children, Young People & Learning in consultation with the Executive Member for Children, Young People & Learning and relevant local members, plus former members of the Education Governor Nominations Committee;**
- 2.4 **That the Constitution is updated as per appendix A to reflect recommendations 2.2 and 2.3;**
- 2.5 **That the Licensing and Safety Committee and the Overview and Scrutiny Commission are established, their size and allocation of seats are agreed as a local variation to the proportionality rules, as set out in paragraph 6 of the report;**
- 2.6 **That the membership of each committee is agreed, in accordance with Members' wishes;**
- 2.7 **That appointments to external organisations are agreed; and**
- 2.8 **That the appointment of Council Champions, in accordance with Part 1 Section 7 of the Constitution are agreed.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 A review of the allocation of committee seats to party groups is conducted each year at the Annual Meeting of the Council, in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 This report reflects the Conservative Group recommendations for the allocation of seats on committees, which require Council agreement to a local variation to the proportionality rules.

5 SUPPORTING INFORMATION

Background

- 5.1 The Bracknell Forest Borough elections took place on 7 May 2015, as a result of which the political balance of the Council is as follows:

	Number of Councillors	Proportionality
Conservative	41	97.62%
Labour	1	2.38%
	<hr/> 42	<hr/> 100%

Political balance requirements

- 5.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on ordinary and overview and scrutiny committees to political groups for the forthcoming municipal year, in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members and agreed without any Councillor voting against them. The Council is also required to make appointments to committees in accordance with the wishes of the political group to which each seat has been allocated.
- 5.3 The Local Government and Housing Act 1989 introduced provisions in order to ensure that the political balance on committees reflects the political complexion of the Council. In order to achieve this, the Council is required to observe the following principles as far as is reasonably practicable:
- (a) that not all seats on the committee are allocated to the same political group;
 - (b) that the majority of seats on each committee should be allocated to a particular political group if the number of members of the group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the total number of all seats allocated to each political group on ordinary committees should reflect the political balance of the Council; and
 - (d) subject to paragraphs (a) to (c) above, that the number of seats on each committee allocated to each political group should reflect the political balance of the Council.
- 5.4 Principles (a), (b) and (d) apply to all appointments to the authority's own committees and sub-committees and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary' committees of the Council.

6 ALLOCATION OF SEATS ON ORDINARY COMMITTEES

- 6.1 The Conservative Group is now the only political group on the Council. There is one Labour councillor on the Council however it requires two Members to form a Group; as a result Councillor Mrs Temperton is not entitled to any seats on committees as of right. However to give effect to (a) above, one seat on every committee and sub-committee has been offered to Councillor Mrs Temperton. Councillor Mrs Temperton has indicated that she would prefer not to have a seat on every committee/sub-committee and has identified those that she would like to sit on. Such a departure from the normal rules of proportionality is permitted by the Regulations if notice is given of the proposal in the agenda and if it is approved by the Council with no Member voting against the proposal. If any Member votes against the proposal then the normal proportionality rules will be applied and Councillor Mrs Temperton will have a seat on every committee/sub-committee.
- 6.2 The table below sets out the proposed allocation of seats on ordinary committees. As set out above this proposal represents a local variation to the proportionality rules as Councillor Mrs Temperton would not like a seat on two of the committees which are therefore allocated to the same political group.

Committee	Number of seats	Conservative Group	Labour
Appeals Committee	4	4	0
Employment Committee	9	8	1
Governance and Audit Committee	8	7	1
Planning Committee	18	18	0

Education Governor Nominations Committee

- 6.3 At its meeting on 20 February 2017 the Education Governor Nominations Committee agreed that it was no longer a cost effective way of doing business and recommended to Council that the Committee should be dissolved with effect from May 2017.
- 6.4 The Committee also recommended that the nomination of potential governors should be delegated to the Director of Children, Young People & Learning in consultation with the Executive Member for Children, Young People & Learning and relevant local members, along with Councillors Mrs Birch, Ms Gaw, Heydon and Mrs McCracken, in view of their expertise gained as members of the Education Governor Nominations Committee. The Constitution will need to be updated accordingly.

Licensing and Safety Committee

- 6.5 There are a further 15 seats on the Licensing and Safety Committee, which is the Council's Licensing Committee for the purposes of the Licensing Act 2003. As such it is not an ordinary committee in the sense of the Local Government and Housing Act 1989 and, although it must be politically proportionate, it has not been included in the table above which shows the overall allocation of seats on committees. The proposal for the allocation of seats on this committee also represents a variation to the proportionality rules as Councillor Mrs Temperton would not like a seat and therefore every seat is allocated to the same political group.

Conservative Group 15; Labour 0

Overview and Scrutiny Commission

- 6.6 There are a further 13 seats on the Overview and Scrutiny Commission. Although the allocation of seats to the Overview and Scrutiny Commission must be politically proportionate this is not an ordinary committee and therefore has not been aggregated together with the seats of ordinary committees for the purposes of the allocation of seats to party groups by the Council under section 15(5)(c) of the Local Government and Housing Act 1989, i.e. principles (a), (b), and (d) apply but not (c).
- 6.7 The proposal for the 13 seats is in accordance with the proportionality rules:

Conservative Group 13; Labour 1

Sub-committees

- 6.8 Committees are also required to observe political proportionality when setting the membership of sub-committees. The proposed allocation of sub-committee seats is set out below. This proposal represents a local variation to the proportionality rules as Councillor Mrs Temperton would not like a seat on three sub-committees which are therefore allocated to the same political group.

Overview & Scrutiny Panels/Sub-Committees	Number of seats	Conservative Group	Labour
Adult Social Care & Housing OSP	9	8	1
Children, Young People & Learning OSP	9	8	1
Environment, Culture & Communities OSP	9	9	0
Health OSP	9	8	1
Education Employment Sub-Committee	6	6	0

- 6.9 There will be a meeting of each committee immediately following the Annual Council meeting to establish their sub-committees. In law the Overview and Scrutiny Panels are sub-committees of the Overview and Scrutiny Commission.

Membership of committees and other bodies

- 6.10 A template of the proposed committees, sub-committees, steering groups, advisory groups and panels is set out in Appendix A of agenda item 8.

Membership of external organisations

- 6.11 A template of external organisations, to which appointments will be made is set out in Appendix B of agenda item 8.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

7.1 The relevant legal issues are identified elsewhere in this report.

Borough Treasurer

7.2 There are no additional revenue implications arising from the above recommendations.

Equalities Impact Assessment

7.3 Not relevant to this report.

Strategic Risk Management Issues

7.4 Not relevant to this report.

8 CONSULTATION

Principal Groups Consulted

8.1 Conservative Group and Councillor Mrs Temperton

Method of Consultation

8.2 Discussion

Representations Received

8.3 Outcome of discussions reflected in this report.

Background Papers

None

Contact for further information

Ann Moore, Head of Democratic and Registration Services - 01344 352260

ann.moore@bracknell-forest.gov.uk

PART 2 SECTION 4 RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

Committee	Functions	Delegation of Functions
Education Nominations Committee	To make nominations for local authority representatives to serve on the governing bodies of maintained schools within the borough.	

PART 2 SECTION 6 TABLE 1**D DIRECTOR OF CHILDREN, YOUNG PEOPLE AND LEARNING**

1. Subject to the exceptions, limitations and reservations set out below the Director of Children, Young People and Learning is authorised to exercise all the powers and perform all the duties of the Council in respect of the following functions:-

1.1 Children and Young People

Those functions:-

- (a) which the Council is required to appoint a Director of Children's Services for under Section 18 of the Children Act 2004 but including those functions which are referred to in Section 18(3)(a) to (d) of the said Section 18 and any functions which may be prescribed pursuant to Section 18(3)(e).

1.2 Youth Service

The Council's functions in respect of the provision of a youth service.

1.3 Complaints

The taking of action (including the making of compensatory awards) on the recommendation of a Complaints Review Panel established in respect of any function for which the Director is responsible under paragraph 1.1 above.

1.4 Miscellaneous

- (a) Varying and waiving charges to service users or their parents
- (b) Discretion to pay an applicant's legal expenses in applying for and obtaining Orders under Section 8 of the Children Act 1989 and Adoption Orders in respect of a child in care.
- (c) Discretion to make payments to holders of Residence and Adoption Orders for children previously in care where agreed prior to the Order being applied for and (in exceptional circumstances) subsequent to an Order.

Unrestricted

- (d) Giving consent for the marriage of a young person in care under Section 3 of the Marriage Act 1949.
- (e) Determining applications of children and young persons in care who wish to join Her Majesty's Forces.
- (f) To act as a receiver in all matters in respect of persons under 18.
- (g) the nomination of potential governors in consultation with the Executive Member for Children, Young People & Learning and relevant local members, plus former members of the Education Governor Nominations Committee.**