

**TO: ANNUAL COUNCIL
22 MAY 2019**

**ESTABLISHMENT OF COMMITTEES AND ASSOCIATED MATTERS
Executive Director of Delivery – 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 nominations from the Conservative and Labour Group are included in Appendix A of agenda item 9.

2 RECOMMENDATIONS

2.1 The Council is asked to agree:

- (i) the establishment of ordinary committees, their size and allocation of seats, agreeing a local variation to the proportionality rules, as set out in paragraph 6 of the report;**
- (ii) the establishment of the Licensing and Safety Committee and the Overview and Scrutiny Commission, their size and allocation of seats as set out in paragraph 6 of the report;**
- (iii) the establishment of Appointment Committees as required as set out in paragraph 6 of the report;**
- (iv) the membership of each committee, in accordance with political group(s) wishes;**
- (v) appointments to external organisations;**
- (vi) the appointment of Council Champions, in accordance with Part 1 Section 7 of the Constitution;**

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 and Labour Group recommendations for the allocation of seats on committees, which require Council agreement to a local variation to the proportionality rules in respect of ordinary committees.

5 SUPPORTING INFORMATION

Background

- 5.1 The Bracknell Forest Borough elections took place on 2 May 2019, as a result of which the political balance of the Council is as follows:

	Number of Councillors	Proportionality
Conservative	38	90.48%
Labour	3	7.14%
Liberal Democrats	1	2.38%
	42	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 There are two political groups on the Council: Conservative and Labour. There is one Liberal Democrat councillor on the Council however it requires two Members to form a Group; as a result Councillor Parker 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 if the Labour Group do not wish to hold that seat it may be offered to Councillor Parker.

6.2 The table below sets out the proposed allocation of seats on ordinary committees.

Committee	Number of seats	Conservative Group		Labour Group		Liberal Democrat	
Appeals Committee	6	5	5.4288	1	0.4284	0	0.1428
Employment Committee	9	8	8.1432	1	0.6426	0	0.21
Governance and Audit Committee	8	7	7.2384	1	0.5712	0	0.19
Planning Committee	18	16	16.2864	1	1.2852	1	0.43
Total allocation of places	41	36		4		1	
Overall political balance	41	37	37.0968	3	2.9274	1	0.978

6.3 The allocation set out above is a departure from the normal rules of proportionality which 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.

Licensing and Safety Committee

6.4 There are a further 18 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.

6.5 The proposal for the 18 seats is in accordance with the proportionality rules:

Conservative Group (16.2864) 16 seats; Labour Group (1.2852) 1 seat and Liberal Democrat (0.43) 1 seat.

Overview and Scrutiny Commission

6.6 There are a further 12 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 12 seats is in accordance with the proportionality rules:

Conservative Group (10.8576) 11 seats; Labour Group (0.8568) 1 seat and Liberal Democrat (0.2856) 0 seat.

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.

Overview & Scrutiny Panels/Sub-Committees	Number of seats	Conservative Group	Labour	Liberal Democrat
Adult Social Care & Housing OSP	12	11 (10.8576)	1 (0.8568)	0 (0.2856)
Children, Young People & Learning OSP	9	8 (8.1432)	1 (0.6426)	0 (0.2142)
Environment, Culture & Communities OSP	9	8 (8.1432)	1 (0.6426)	0 (0.2142)
Education Employment Sub-Committee	7	6 (6.3336)	1 (0.4998)	0 (0.166)

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. The Conservative Group has proposed that Councillor Parker be a non-voting co-optee on one Overview and Scrutiny Panel and he has indicated Environment, Culture and Communities Overview and Scrutiny Panel.

Membership of committees and other bodies

Personnel Appeals Panel – Sub Committee of Employment Committee

6.10 At the Employment Committee meeting on 13 February 2019 it was resolved that, at the first Employment Committee meeting following the Annual Council meeting, the terms of reference for the Personnel Appeals Panel would be extended to include all types and levels of Member level appeals relating to employment. The Committee also agreed the Panel's composition which is set out in Appendix A of agenda item 9. The names will be submitted by political groups to the Chief Executive.

Appointment Committees

6.11 It is recognised that the establishment of Appointment Committees does not always fit the timing of Council meetings. It is therefore recommended that the Council agrees the establishment of Appointment Committees as required comprising 5 seats allocated to political groups based on political proportionality. Each Appointment Committee to include one Executive member and one opposition member plus three other members, one of which will be the Chairman of the Employment Committee (if available). The names will be submitted by political groups to the Chief Executive.

Substitutes

- 6.12 In addition to appointing Members to serve on Committees, the Council may also, in accordance with the procedures set out in Rule 10.3 and Rule 10.4 of the Constitution, appoint on the nomination of a political group represented on the Council a number of Councillors up to the maximum as shown in the table below, to act as substitutes for Members of their Group appointed to Committees.

Size of Political Group	Maximum Number of Substitutes
Fewer than 11	3
11-17	4
18 or more	5

- 6.13 In addition to appointing Members to serve on Sub-Committees, Committees may also appoint, on the nomination of any of the political groups represented on the Council, up to three Councillors to act as substitutes for Members of their Group appointed to Sub-Committees. In law the Overview and Scrutiny Panels are sub-committees of the Overview and Scrutiny Commission.

Nominations

- 6.14 A template setting out proposed committees, sub-committees, steering groups, advisory groups and panels is set out in Appendix A of agenda item 9.

Membership of external organisations

- 6.15 Councillors will be nominated to voluntary sector organisations as representatives in a non-management capacity with no role in the governance of the organisation. Such roles will be limited to Councillors acting as conduits for communication between the Council and the organisation or as observers at the organisation's meetings.
- 6.16 Where a Councillor is nominated as a representative pursuant to above, they may not subsequently accept a role on the organisation's board as a Trustee / Director or in any other management capacity such as Treasurer.
- 6.17 A template setting out the external organisations, to which appointments will be made is set out in Appendix B of agenda item 9.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Director of Finance

- 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 Political groups and Councillor Parker.

Method of Consultation

8.2 Discussion.

Representations Received

8.3 Outcome of discussions reflected in this report.

Background Papers

None

Contact for further information

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