

**TO: COUNCIL
27 NOVEMBER 2013**

**REVISED PROPORTIONALITY CALCULATIONS AND COMMITTEE MEMBERSHIP
Director of Corporate Services – Democratic & Registration Services**

1 PURPOSE OF REPORT

- 1.1 This report sets out the position regarding the overall allocation of seats on committees following the formation of a third political group on the Council.
- 1.2 The report also seeks approval to changes to committee and external body membership following the death of Councillor Mrs Ballin and the appointment of Councillor Turrell to the Executive.

2 RECOMMENDATIONS

2.1 The Council is asked to agree:

- (i) **the establishment of ordinary committees, their size and allocation of seats to political groups, as set out in paragraph 6.1 of the report;**
- (ii) **the establishment of the Overview and Scrutiny Commission and the Standards Committee, their size and allocation of seats to political groups, agreeing a local variation to the proportionality rules, as set out in paragraphs 6.5, 6.6, 6.8 and 6.9 of the report;**
- (iii) **the changes to the membership of committees as set out in Appendix A;**
- (iv) **the changes to appointments to external organisations as set out in Appendix A**

2.2 The Council is asked to note the Leader's appointments as set out in paragraph 8 of the report.

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The Council is required to review the representation of political groups as soon as practicable after any change occurs. The Council is also required to make appointments to committees and external bodies in accordance with the wishes of the political groups.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The report reflects the Leader's recommendations for the allocation of seats on committees which comply with the political proportionality rules and the Council's previously agreed formula for the allocation of seats on overview and scrutiny. In order to maintain the status quo as closely as possible the number of seats on the Planning Committee and the Overview and Scrutiny Commission has been increased.
- 4.2 All Group Leaders were consulted on the proposals. The Minority Groups agreed between them which Group would take which seat on ordinary committees and

overview and scrutiny panels where there was only one minority seat available. The exception to this was the Environment, Culture and Communities Panel where agreement could not be reached. Therefore, as the current allocation of seats on the Panel complies with the proportionality principles set out in the report it is not proposed to recommend any changes to the allocation of seats on this Panel.

5 SUPPORTING INFORMATION

Formation of a third political group

- 5.1 The Council last reviewed its proportionality calculations and committee membership on 15 May 2013. On 25 September 2013 the Proper Officer received notice from Councillors Mrs Pile and Sargeant of the formation of the United Kingdom Independence Party (UKIP) Group.
- 5.2 Political groups, which must comprise two or more members, have an entitlement to committee seats. As a result of the formation of a third political group the political proportionality of the Council is as follows:

Group	Number of Councillors	Proportionality
Conservative Group	38	90.48%
Labour Group	2	4.76%
United Kingdom Independence Party Group (UKIP)	2	4.76%
		100%

Political balance requirements

- 5.3 The Local Government and Housing Act 1989 requires the Council to allocate seats on ordinary and overview and scrutiny committees to political groups 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.
- 5.4 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. The allocation exercise for the Overview and Scrutiny Commission and the Licensing and Safety Committee has been separated from that for the other committees as these are not ordinary committees in the sense of the Local Government and Housing Act 1989 and therefore have not been aggregated together in the 'basket' of seats.
- 5.5 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;

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- (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.

5.6 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 table below sets out the proposed allocation of seats and the effect of applying the political proportionality calculations for ordinary committees.

Committee	Number of seats	Conservative	Labour	UKIP
Appeals Committee	5	4	0	1
Employment Committee	9	8	1	0
Governance and Audit Committee	8	7	1	0
Governor Appointments Committee	5	4	0	1
Planning Committee	20	18	1	1
Total allocation of places	47	41	3	3
To achieve political proportionality	47	43	2	2

6.2 In order to comply with principle (a) above the Labour and UKIP Groups each have one more seat than they would be entitled to under rule (d) – rule (a) taking precedence over rule (d).

Licensing and Safety Committee

6.3 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 therefore it has not been included in the 'basket' of seats for the purposes of the overall allocation of seats on committees, but is shown separately below:

Conservative Group 13; Labour Group 1; UKIP Group 1

Overview and Scrutiny Commission

- 6.4 Although the allocation of seats to the Overview and Scrutiny Commission must be politically proportionate this is not an ordinary committee and should not be 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).
- 6.5 Since May 2003 the Council has agreed to allocate seats on the Overview and Scrutiny Commission having regard to the proportion of seats held by the non-executive Members of the Council. This process has been followed in calculating seats on the Commission and Panels for the purposes of this review. 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. If any Member votes against the proposal then the normal proportionality rules would be applied.
- 6.6 It is proposed that the number of seats on the Commission is increased from 12 to 13. The proportionality calculation for the 13 seats is:

Conservative Group 11; Labour 1; UKIP 1

Sub-committees

- 6.7 Committees are also required to observe political proportionality when setting the membership of sub-committees. The current allocation of seats is set out below. In law the Overview and Scrutiny Panels are sub-committees of the Overview and Scrutiny Commission. The membership of the Commission has been increased as a result of the review therefore the Commission is under a duty to formally review the seats on its Panels, even though the outcome of the review will conclude that the Panels are already politically proportionate. A brief report will be presented to the next meeting of the Commission.

Overview & Scrutiny Panels/Sub-Committees	Number of seats	Conservative	Labour	UKIP
Adult Social Care & Housing OSP	9	8	1	0
Children, Young People & Learning OSP	9	8	1	0
Environment, Culture & Communities OSP	9	8	1	0
Health OSP	9	8	1	0
Education Employment Sub-Committee	6	5	1	0

Advisory committees and other bodies

- 6.8 The Standards Committee is an Advisory Committee of the Governance and Audit Committee and as such is required to be politically balanced. The current allocation of seats (Conservative 2; Labour 1; UKIP 0) is proportionate however the Council is asked to approve the following change which is equally proportionate:

Conservative 2; Labour 0; UKIP 1

- 6.9 The Independent Members plus the Parish Representative on the Standards Committee outnumber the councillors and deprive the majority group of a majority on the Committee. This 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.
- 6.10 No changes are recommended to any of the Council's steering groups, advisory groups and panels.

7 MEMBERSHIP OF COMMITTEES AND OTHER BODIES

- 7.1 Appendix A sets out the committee, other body and external organisation membership changes as a result of the death of Councillor Mrs Ballin, the appointment of Councillor Turrell to the Executive and the review of seats on committees.

8 LEADER'S APPOINTMENTS

- 8.1 As a result of the changes set out in the report the Leader has taken the opportunity to review his appointments and has made the following changes:
- Councillor Chris Turrell has been appointed as the Executive Member for Planning and Transport and replaces Councillor Mrs Ballin on the following:
 - Access Advisory Panel (substitute)
 - Bracknell Town Centre Regeneration Committee
 - Environment Portfolio Review Group
 - Executive Committee: Contracts/Finance
 - Care and Community Policy Review Groups (PRGs) – the Leader has not yet appointed Members to replace Councillor Turrell on either of these Groups. Councillor Harrison is the Chair Elect of the Community PRG.
 - Member Development Charter Steering Group – the Group has been increased to 8 Members and the UKIP Group has been allocated a seat which will be taken by Councillor Mrs Pile.

9 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 9.1 Nothing to add to the report.

Borough Treasurer

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

Equalities Impact Assessment

- 9.3 Not relevant to this report.

Strategic Risk Management Issues

9.4 Not relevant to this report.

Other Officers

9.5 Not relevant to this report.

10 CONSULTATION

Principal Groups Consulted

10.1 As set out in the report.

Method of Consultation

10.2 See above.

Representations Received

10.3 See above.

Background Papers

None

Contact for further information

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Summary of the membership changes set out in the body of the report

A Ordinary Committees

Appeals Committee	No change - membership list to be amended to reflect that Cllr Sargeant now represents the UKIP Group
Employment Committee	No change
Governance and Audit Committee	Cllr Birch to replace Cllr Mrs Ballin as a substitute
Governor Appointments Committee	No change - membership list to be amended to reflect that Cllr Sargeant now represents the UKIP Group
Planning Committee	Additional Member as UKIP is entitled to seat. UKIP vacancy – Member to be advised

B Other Committees/Bodies

Access Advisory Panel	Cllr Turrell has replaced Cllr Mrs Ballin as a substitute
Adult Social Care & Housing Panel	Conservative vacancy – Member to replace Cllr Turrell to be advised Cllr Harrison is the Chair Elect
Bracknell Town Centre Regeneration Committee	Cllr Turrell has replaced Cllr Mrs Ballin
Care Portfolio Review Group	Vacancy – Member to replace Cllr Turrell to be advised
Children, Young People & Learning Panel	No change
Community Portfolio Review Group	Vacancy – Member to replace Cllr Turrell to be advised Cllr Harrison is the Chair Elect
Education Employment Sub-Committee	No change
Electoral Review Steering Group	Cllr Turrell to replace Cllr Mrs Ballin
Environment, Culture & Communities Panel	No change
Environment Portfolio Review Group	Cllr Turrell has replaced Cllr Mrs Ballin
Executive	Cllr Turrell has replaced Cllr Mrs Ballin as the Executive Member for Planning and Transport
Executive Committee – Contracts/Finance	Cllr Turrell has replaced Cllr Mrs Ballin
Health Panel	No change
Licensing & Safety Committee	Conservative Membership reduced by one seat and UKIP entitled to a seat Cllr Kensall no longer a Member UKIP Member - Cllr Mrs Pile

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Member Development Charter Steering Group	Additional Member as UKIP has been allocated a seat UKIP Member – Cllr Mrs Pile
Overview & Scrutiny Commission	Conservative vacancy – Member to replace Cllr Turrell to be advised Additional Member as UKIP entitled to a seat UKIP Member – Cllr Sargeant
Standards Committee	UKIP seat to replace Labour seat Cllr Brown no longer a Member UKIP vacancy – Member to be advised

C External Organisations

Blackwater Valley Advisory Committee for Public Transport	Cllr Turrell to replace Cllr Mrs Ballin
Heathrow Airport Consultative Committee	Cllr Brunel-Walker to replace Cllr Mrs Ballin
Local Government Association (observer)	Cllr Dr Barnard to replace Cllr Mrs Ballin
Local Government Association Urban Commission	Cllr Dr Barnard to replace Cllr Mrs Ballin
South East England Councils	Cllr Bettison to replace Cllr Mrs Ballin Reserve - vacancy to replace Cllr Bettison
Thames Valley Heaths Joint Advisory Committee	Cllr Turrell to replace Cllr Mrs Ballin

	Leader's appointments
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