

**TO: Annual Council
20 May 2020**

**Establishment of Committees and Associated Matters
Executive Director: Delivery**

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 Appeal Panels 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	
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	35	31		3		1	
Overall political balance	35	32	31.668	2	2.499	1	0.833

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 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.

6.6 The proposal for the 15 seats is in accordance with the proportionality rules:

Conservative Group (13.57) 14 seats; Labour Group (1.07) 1 seat and Liberal Democrat (0.36) 0 seat.

Overview and Scrutiny Commission

6.7 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).

6.8 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.

- 6.9 At its meeting on 5 November 2019 the Overview and Scrutiny Commission agreed to a revised structure of an overarching Overview & Scrutiny Commission with three Overview & Scrutiny Panels focussing on the thematic delivery of the Council Plan. In addition to the core Panel membership set out at Appendix A of agenda item 9, all non-executive Members can take part in review work. This enables the overview & scrutiny function to tap into the skills and knowledge of Members across a wide variety of topics. This also allows working councillors to be involved effectively based on their availability, interests and knowledge.

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.

Sub Committees	Number of seats	Conservative Group	Labour	Liberal Democrat
Education Employment Sub-Committee	7	6 (6.3336)	1 (0.4998)	0 (0.166)

Membership of committees and other bodies

Appeals Panel

- 6.10 It is recognised that the Appeals Committee is only required to meet when an Appeal is submitted against officer decision to refuse Home to School Transport. It is therefore not appropriate to set a pre-established schedule of meetings which are regularly cancelled or rescheduled. These are ad-hoc meetings that need to be established in response to an appeal being received. When an appeal is received a hearing date will be set within 40-days as required.
- 6.11 It is also recognised that it is best practice to have a smaller body to determine appeals similar to the Licensing Panels format. It is therefore proposed that the existing Appeals Committee members and Conservative Group substitutes form a pool of trained members from which membership of an ad hoc Panel will be drawn as required based on availability. Each Panel may not be politically proportionate however the pool from which members are drawn would be.
- 6.11 It is therefore recommended that the Council agrees the establishment of Appeals Panels as required comprising of 3 members. Political proportionality would be waived as the Appeals Panel would be established based on members availability, in a similar format to Licensing Panels from a politically balanced (as below) pool of 11 trained members.

Committee	Number of seats	Conservative Group		Labour Group		Liberal Democrat	
Appeals Panel	11	10	9.9528	1	0.7854	0	0.2618

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.

Nominations

- 6.14 Appendix A of agenda item 9 sets out the proposed committees, sub-committees, steering groups, advisory groups and panels.

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 Appendix B of agenda item 9 sets out the external organisations to which appointments will be made.

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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