

**ANNUAL COUNCIL  
11 MAY 2005**

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**LOCAL GOVERNMENT AND HOUSING ACT 1989: REVIEW OF ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES  
(Director of Corporate Services & Resources – Democratic & Support Services)**

**1 INTRODUCTION**

- 1.1 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. There has been no change in the size of the Party Groups since the last review in April 2004.
- 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 Party Groups will be circulated at the meeting. The allocations for the ordinary committees and for the overview and scrutiny committees are dealt with separately and each provides for two more seats than either group is entitled to be allocated. The Council must determine on which committees those vacancies shall fall and in each case allocate those vacant seats to those Members who are not a member of a party group on the Council.

**2 RECOMMENDATIONS**

**2.1 That:**

***Council Committees***

- (i) for the purposes of allocation of seats to party groups the Licensing & Safety Committee be included with ordinary committees to form a basket of seats as a local variation to the proportionality rules.
- (ii) the total number of seats on the Licensing & Safety Committee and ordinary Committees appointed by the Council shall be 41 as set out below and that such seats shall be allocated to party groups as follows:-

**Conservative Group – 33**

**Labour Group – 6**

**and that the two vacant seats shall be on the ..... Committee and the ..... Committee.**

Name of Committee	Number of Members	Allocation to Groups	Substitute Members
Planning & Highways Committee	10	9 : 1 or 0	3 : 3
Licensing & Safety Committee	15	12 : 3 or 2	none
Employment Committee	8	6 : 2 or 1	3 : 3
Governor Appointments Committee	4	3 : 1 or 0	3 : 3
Appeals Committee	4	3 : 1 or 0	3 : 3
<b>Total</b>		<b>33 : 6</b>	

- (iii) The non-group Councillors be appointed to the two vacant seats.
- (iv) Subject to the determination in (ii) above, Members be appointed to serve on the Standards Committee and on the above ordinary Committees in accordance with nominations made by the political groups as per Annex 1 (nominations to follow).
- (v) The following formula for the allocation of seats on Sub-Committees to be appointed by Committees be confirmed.

Number of Members	Allocation of Seats
3	2 : 1
4	3 : 1
5	4 : 1
6	5 : 1
7	6 : 1
8	7 : 1

- (vi) Members be appointed to serve on the Final Accounts Committee and all the sub groups listed in Annexe 3 in accordance with nominations made by the political groups (nominations to follow).

### ***Overview and Scrutiny Committees***

- (vii) the total number of seats on the Public Scrutiny Commission and its Standing Panels shall be 39 as set out below and that such seats shall be allocated to party groups having regard to the proportion of seats held by the non-executive Members of the Council as follows:-

**Conservative Group – 30**

**Labour Group – 7**

and that the two vacant seats shall fall on the .....  
and the .....

Name of Committee	Number of Members	Allocation to Groups	Substitute Members
Public Scrutiny Commission	12	9 or 10 : 2 or 1#	3 : 3
Environment Scrutiny Panel	9	6 or 7 : 2 or 1	3 : 3
Lifelong Learning Scrutiny Panel	9	6 or 7 : 2 or 1#	3 : 3
Health, Social Care and Housing Scrutiny Panel	9	6 or 7 : 2 or 1	3 : 3
<b>TOTAL</b>	<b>39</b>	<b>30 : 7</b>	

# *does not include the 2 voting representatives nominated by Oxford and Portsmouth Diocesan Councils and the 2 voting Parent Governor Representatives.*

- (viii) That the non-group Councillors be appointed to the three vacant seats.
- (ix) Subject to the determination in (vii) above, Members be appointed to serve on the overview and scrutiny bodies in accordance with nominations made by the political groups as per Annex 2 (nominations to follow).
- (x) The following formula for the allocation of seats on any further Sub-Committees to be appointed by the Public Scrutiny Commission be confirmed.

Number of Members	Allocation of Seats
3	2 : 1
4	3 : 1
5	4 : 1
6	5 : 1
7	6 : 1
8	7 : 1

### 3 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Borough Solicitor

- 3.1 Although the allocation of seats to overview and scrutiny committees must be politically proportionate these are not ordinary committees and should not be aggregated together with the seats of ordinary committees for the purposes of allocation of seats to party groups by the Council under section 15 (5)(c) of the Local Government and Housing Act 1989.
- 3.2 The Licensing & Safety Committee 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 & Housing Act 1989. In order for the committee to be included in the calculations for the allocation of seats to party groups it will be necessary for the council to agree to do this as a local departure from the regulations. This is permitted by the regulations.

#### Borough Treasurer

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

#### Impact Assessment

- 3.4 Not relevant to this report.

### **4 SUPPORTING INFORMATION**

- 4.1 The Council is required to determine the allocation of seats on ordinary and overview and scrutiny committees to political groups for the forthcoming municipal year and to make appointments in accordance with the wishes of the group to which each seat has been allocated. The allocation exercise for the overview and scrutiny committees has to be separated from that for the other committees as they are not ordinary committees in the sense of the Local Government and Housing Act 1989 and cannot be aggregated together in the 'basket' of seats.
- 4.2 The Local Government and Housing Act 1989 introduced Regulations 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 practicable in making appointments to ordinary Committees ie:
- (a) no Committee should comprise Members drawn from one political group only;
  - (b) the majority of seats on each Committee should be allocated to a political group if the number of members of the group is a majority of the Authority's membership;
  - (c) subject to satisfying (a) and (b) above, 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 (a) – (c) above, the number of seats on each Committee allocated to each political group should reflect the political balance of the Council.
- 4.3 The above four principles apply to all ordinary Committees appointed by the Council and to Sub-Committees appointed by those Committees. The Council is invited to include the Licensing & Safety Committee in the calculations to maintain the current allocation of seats to party groups. The Council has previously agreed that political proportionality rules will not be applied to the Standards Committee.
- 4.4 The composition of the Council is 34 Conservative (81%), 6 Labour (14.3%), 1 Liberal Democrat (2.4%) and 1 Independent (2.4%). The two members who are not part of a party group do not qualify to receive an allocation of seats under the

Regulations. However the two Groups are entitled only to seats in proportion to their representation on the Council as a whole and once that allocation has been made the resulting vacant seats should be allocated by the Council to the non-group councillors.

4.5 The proposals in Section 2 above assume that the Council will retain the committees provided in the Constitution and that a new Health Scrutiny Panel shall be established. If this is acceptable then the following determination should be made.

- (i) That the total number of seats on the Licensing Safety Committee and ordinary committees for the forthcoming municipal year is 41
- (ii) That the available seats be allocated to groups as follows:

Conservative Group	33
Labour Group	6

The Council shall determine on which Committees the 2 vacant seats shall fall and shall allocate those seats to the remaining two councillors. (Those seats currently fall on the Employment Committee and the Appeals Committee.)

If this determination is agreed then the allocation would be as follows.

<u>Name of Committee</u>	<u>Number of Members</u>	<u>Allocation to Groups</u>
Planning & Highways Committee	10	9 : 1 or 0
Employment Committee	8	6 : 2 or 1
Licensing & Safety Committee	15	12 : 3 or 2
Governor Appointments Committee	4	3 : 1 or 0
Appeals Committee	4	3 : 1 or 0
Total Allocation	41	33 : 6

4.6 This gives a total allocation of 33 seats (80.49%) to the Conservative Group and 6 seats (14.63%) to the Labour Group. In percentage terms this overall allocation is within 0.6% of the respective proportion of seats held by each group on the Council. Overall this represents an acceptable match and would comply with the principles of the Local Government and Housing Act 1989 set out above. The Council should appoint the non-group councillors to the two vacant seats.

4.7 Committees are also required to observe political proportionality when setting the membership of Sub-Committees. The formula by which this should be done is set out below:

<u>Size of Sub-Committee</u>	<u>Allocation of Seats</u>	<u>Proportion</u>
3	2 : 1	66.7% : 33.3%
4	3 : 1	75% : 25%
5	4 : 1	80% : 20 %
6	5 : 1	83.3% : 16.6%
8	7 : 1	87.5% : 12.5%

#### Seats on Overview and Scrutiny Committees

4.8 The Council agreed in May 2003 to allocate seats on overview and scrutiny committees to party groups having regard to the proportion of seats held by the non-executive Members of the Council. 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 would be applied, resulting in the removal of one overview and scrutiny seat from the Labour Group in favour of the Conservative Group.

4.9 This allocation is to be carried out separately from the allocation to ordinary committees. If the Council adopts the proposed alternative approach seats will be allocated according to the proportions of non-executive Members on the Council, which are:

Conservative 25 (75.8%), Labour 6 (18.2%), non-group councillors 2 (3% each)

4.10 Accordingly, if the Council appoints members to the Public Scrutiny Commission and the Standing Scrutiny Panels provided for in the constitution, the following determination should be made.

(i) That the total number of seats on the Public Scrutiny Commission and its Standing Panels for the forthcoming municipal year is 39

(ii) That the available seats be allocated to groups as follows:

Conservative Group	30
Labour Group	7

The Council shall determine on which committee the vacant seats shall fall and shall allocate those seats to the non-group councillors.

If this determination is agreed then the allocation would be as follows.

Name of Committee	Number of Members	Allocation to Groups
Public Scrutiny Commission	12#	9 or 10 : 2 or 1
Environment Scrutiny Panel	9	6 or 7 : 2 or 1
Lifelong Learning Scrutiny Panel	9#	6 or 7 : 2 or 1
Health, Social Care and Housing Scrutiny Panel	9	6 or 7 : 2 or 1
<b>Total Allocation</b>	<b>39</b>	<b>30 : 7</b>

# *does not include the 2 voting representatives nominated by Oxford and Portsmouth Diocesan Councils and the 2 voting Parent Governor Representatives.*

- 4.11 This gives a total allocation of 30 seats (76.9%) to the Conservative Group and 7 seats (17.9%) to the Labour Group. In percentage terms this overall allocation is within 1.1% of the respective proportion of non-executive seats held by each group on the Council. Overall this represents an acceptable match and would comply with the principles of the Local Government and Housing Act 1989 set out above. The Council should allocate the vacant seats to the non-group councillors.

#### Health Scrutiny Panel

- 4.12 The Scrutiny Work Programme Conference on 1 June will discuss a proposal to introduce a fourth standing scrutiny panel to deal with the Council's functions under the Health & Social Care Act 2001, which gives local authorities a statutory role in reviewing and scrutinising health service matters. If it is decided to introduce a fourth Standing Panel for this purpose, or otherwise to adjust the number or size of the scrutiny bodies then the Council will be required to carry out a further review under these regulations to ensure that seats are allocated to party groups appropriately.

#### Background Papers

None – Published Works only

#### Contact for further information

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**NOMINATIONS FOR APPOINTMENT TO  
ORDINARY STANDING COMMITTEES AND THE STANDARDS COMMITTEE**

*(Recommendations (i), (ii) and (iii) and paragraphs 4.5 – 4.7 refer)*

<p align="center"><b>APPEALS COMMITTEE</b></p> <p>Councillors 4 ( 3 : 1 or 0)</p> <p>Substitute Members (3:3)</p>	<p align="center"><b>EDUCATION GOVERNOR APPOINTMENTS COMMITTEE</b></p> <p>Councillors 4 (3:1 or 0)</p> <p>Substitute Members (3 :3)</p>	<p align="center"><b>EMPLOYMENT COMMITTEE</b></p> <p>Councillors 8 (6:1 or 0)</p> <p>Substitute Members (3:3)</p>
<p align="center"><b>LICENSING AND SAFETY COMMITTEE</b></p> <p>Councillors 15 (12: 3 or 2)</p> <p><i>(No substitute members)</i></p>	<p align="center"><b>PLANNING AND HIGHWAYS COMMITTEE</b></p> <p>Councillors 10 (9:1 or 0)</p> <p>Substitute Members (3: 3)</p>	<p align="center"><b>STANDARDS COMMITTEE</b></p> <p>Councillors 4 (2: 2)</p> <p>Substitute Members (1:1)</p> <p><b>Independent Members (2)</b> Mr D Briggs Revd D Osborn</p>



