

To: **Annual Council**  
**28 April 2021**

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**Establishment of Committees. Meeting Arrangements 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 councillors to sit 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.
- 1.3 Council is also asked to agree interim meeting arrangements to enable the council to undertake its business in a covid-secure way until either virtual meetings are permitted or covid compliant requirements are relaxed.

**2 Recommendations**

**2.1 That the establishment of committees and the appointment of councillors to sit on them is agreed as follows:**

- (a) That the establishment of ordinary committees, their size and allocation of seats, agreeing a local variation to the proportionality rules, is agreed as set out in paragraph 6 of the report
- (b) That the establishment of the Licensing and Safety Committee and the Overview and Scrutiny Commission, their size and allocation of seats is agreed as set out in paragraph 6 of the report
- (c) That the establishment of Appeal Panels as required are agreed as set out in paragraph 6 of the report
- (d) That the membership of each committee, in accordance with political groups' wishes is agreed
- (e) That appointments to external organisations are agreed
- (f) That the appointment of Council Champions is agreed, in accordance with Part 1 Section 7 of the Constitution.

**2.2 That arrangements for meetings are agreed as follows:**

- (a) That from 7 May 2021 all non-executive decision-making is delegated to the Chief Executive, who is authorised to delegate further if appropriate. All delegations and decisions to be reported to all councillors in due course.
- (b) That all meetings will continue to take place virtually, noting that decision-making committees will meet informally to advise the Chief Executive of the committee's views before the Chief Executive takes a decision that would otherwise be reserved to the committee, as set out in detail in section 6 of the report

- (c) That if a committee advises the Chief Executive that an officer recommendation would not be supported, a quorate meeting of the committee will be held as soon as practicable to determine the matter in a covid-secure venue**
- (c) That these arrangements will remain in place until 31 December 2021 unless the Council decides to extend them for a further period or to end them earlier**
- (d) That these arrangements will be reviewed by the end of July**
- (e) That the six-month councillor attendance rule as set out in the Local Government Act 1972, s85, is suspended for 12 months from the date of this Annual Meeting of the Council**

### **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.
- 3.2 The Local Government Act 1972 requires that all councillors must be physically present at decision-making council/committee and Executive meetings in order to be part of the quorum and to vote. As a consequence of the impact of Covid-19 the Government introduced The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to permit remote meetings. These regulations cease to apply to meetings on or after 7 May 2021 and the Government has decided not to extend the regulations beyond that date.
- 3.3 The Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG) have begun legal proceedings for a declaratory judgment in the High Court, that remote meetings may continue to be held without the need for primary legislation when the regulations come to an end. This application will be heard by the High Court on 21 April and the judgement is expected a short while after. The Secretary of State has stated on behalf of the Government that this application has his and his Department's support. Although therefore there is good reason to be cautiously optimistic that remote meetings will be available in the future this may not be permissible in time for 7 May and a decision is needed on how to manage council and committee meetings while some form of social distancing is required.

### **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.
- 4.2 Options to ensure the council can conduct its business are limited while measures to work covid-securely are in place.

### **5 Establishment of committees and other bodies**

## 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:

	<b>Number of Councillors</b>	<b>Proportionality</b>
Conservative	38	90.48%
Labour	3	7.14%
Liberal Democrat	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 councillors 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
  - (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.

### Allocation of seats on ordinary committees

- 5.5 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.

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

<b>Committee</b>	<b>Number of seats</b>	<b>Conservative Group</b>		<b>Labour Group</b>		<b>Liberal Democrat</b>	
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
<b>Total allocation of places</b>	<b>35</b>	<b>31</b>		<b>3</b>		<b>1</b>	
<b>Overall political balance</b>	<b>35</b>	<b>32</b>	<b>31.668</b>	<b>2</b>	<b>2.499</b>	<b>1</b>	<b>0.833</b>

5.7 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 councillor voting against the proposal. If any councillor votes against the proposal the normal proportionality rules will be applied.

#### **Licensing and Safety Committee**

5.8 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.

5.9 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**

5.10 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).

5.11 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.

- 5.12 In addition to the core Panel membership set out at Appendix A of agenda item 9, all non-executive councillors can take part in review work. This enables the overview & scrutiny function to tap into the skills and knowledge of councillors across a wide variety of topics. This also allows working councillors to be involved effectively based on their availability, interests and knowledge.

### **Sub-committees**

- 5.13 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.

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

### **Membership of committees and other bodies**

#### *Substitutes*

- 5.14 In addition to appointing councillors 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

- 5.15 In addition to appointing councillors 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*

- 5.16 Appendix A of agenda item 6 sets out the proposed committees, sub-committees, steering groups, advisory groups and panels.

### **Membership of external organisations**

- 5.17 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.

- 5.18 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.

- 5.19 Appendix B of agenda item 6 sets out the external organisations to which appointments will be made.

## **6 Meetings arrangements after 7 May 2021**

### **Background**

- 6.1 From 7 May 2021 the Council cannot lawfully continue to hold decision-making meetings virtually via Teams or Zoom, however non decision-making meetings can continue to be held remotely. This includes the Overview and Scrutiny Commission and its panels, PRG's and a wide range of other bodies such as working groups, panels and boards.
- 6.2 There are real positives to holding meetings remotely which the council would wish to retain longer term. These include:
- Meetings are accessible to a wider range of members of the public as proceedings can be watched live or at a later date providing greater democratic transparency and accountability
  - Councillors' attendance at meetings is on average 10% better and increased engagement with overview and scrutiny activity is even greater
  - Public engagement at meetings is better, particularly at overview and scrutiny
  - Councillors with other commitments can more easily join a remote meeting and move between them
  - Officers have been able to achieve a better life balance when they don't have to travel to meetings
  - The council's green footprint is lower due to reduced travel/lighting/heating
  - Meeting rooms can be freed up for community events
  - Greater flexibility may attract a more diverse range of people to stand as councillors

### **Proposals for meetings**

- 6.2 As it is not currently possible to move immediately to physical attendance at meetings in the Council Chamber or any other venue and remain covid-compliant the following is proposed for the conduct of council business until the end of December by which time the way forward should be clearer:
- Non-executive decision making to be delegated to the Chief Executive who can further delegate decisions to officers as appropriate
  - Executive decisions to be delegated to individual executive members (the Leader has given effect to this delegation and it is reported in the Leader's report to this meeting)
  - All meetings to continue to be held virtually in line with current arrangements and in public for transparency. The Executive, Council and its committees to meet on an informal basis only, to advise the decision-maker of their views. The final decision to be made by the relevant executive member or the Chief Executive/officer taking into account the views expressed. Where a report contains an officer recommendation and the advice from the informal meeting

is that this would not be supported, a quorate meeting of the committee will be set up to consider the matter as soon as practicable. These meetings will be held in accordance with the statutory access to information rules relating to the publication of notice of the agenda and public meetings. Any councillor who has been present at the informal meeting must approach decision-making at the formal meeting with an open mind and reconsider the matter, taking into account any additional information presented at that meeting. This will apply in particular for planning decisions. In order for members of the public and officers to join a committee meeting remotely and for the meeting to be streamed, committee members attending the in-person meeting will be required to join the meeting on Teams or Zoom in the usual way at whatever venue the meeting is held.

- These arrangements to be in place until 31 December unless circumstances change, and it is decided to extend them further or end them earlier. Delegated decisions to be periodically reported to all councillors and arrangements to be reviewed by the end of July.

### **Six-month rule for councillor attendance at meetings**

- 6.3 Section 85(1) of the Local Government Act 1972 requires a member of a local authority to attend at least one meeting of the authority within a six-month consecutive period in order to avoid being disqualified as a councillor. This requirement can be waived, and the time limit extended if any failure to attend is due to a reason approved by the authority in advance of the six-month period expiring.
- 6.4 The council's custom and practice is to accept attendance at any meetings of the bodies listed in appendix A of agenda item 6 as fulfilling the six-month attendance rule. It is recognised however that the proposed change to the meetings arrangements may have the unintended consequence that a councillor who sits predominantly on decision-making committees may be unable to satisfy the requirements of this provision. It is therefore proposed that the six-month councillor attendance rule is waived for 12 months from the date of this Annual Meeting.

## **7 Consultation and other considerations**

### Legal advice

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

### Financial advice

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

### Other consultation responses

- 7.3 Political groups and Councillor Parker were consulted on the proposals within this report and the outcome of discussions are reflected in the proposals.

### Equalities impact assessment

- 7.4 Not relevant to this report.

### Strategic risk management issues

- 7.5 It is critical for robust arrangements to be in place for the council to conduct its business without procedural challenge. The establishment of committees, the allocation of seats to political groups and the proposed interim meeting arrangements satisfy this requirement.

### Climate change implications

- 7.6 The recommendations in section 2.2 above will reduce emissions of CO<sub>2</sub> as the council's green footprint will be lower due to reduced travel to meeting venues and reduced lighting and heating.

### Background Papers

None

### Contact for further information

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