

To: **Annual Council**  
**24 May 2023**

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**Establishment of Committees and Associated Matters**  
**Executive Director: 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. Nominations from each political group will be circulated separately.

**2 Recommendations**

**2.1 That Council agrees the following:**

- (a) The establishment of ordinary committees, their size and allocation of seats, as set out in paragraph 5 of the report**
- (b) 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 5 of the report**
- (c) The membership of each committee, in accordance with political groups' wishes**
- (d) Appointments to external organisations**
- (e) To waive the application of s85(1) of the Local Government Act 1972 so that attendance at Council, the Executive and any of the meetings listed in Appendix A of agenda item 11 either remotely or in person, satisfies the requirements of the six-month rule for councillor attendance at meetings.**

**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 In order for councillors to work more flexibly and effectively Council is asked to confirm that virtual remote attendance at meetings satisfies the requirement of s85(1) of the Local Government Act 1972 for councillors to attend at least one meeting within a six-month period in order to avoid being disqualified as a councillor.

## 4 Alternative Options Considered

- 4.1 This report reflects the majority group's proposals for the allocation of seats on committees which have been discussed with all political groups on the Council.

## 5 Supporting Information

### Background

- 5.1 The Bracknell Forest Borough elections took place on 24 May 2023, as a result of which the political balance of the Council is as follows:

	Number of councillors	Proportionality
<b>Labour</b>	22	53.659%
<b>Conservative</b>	10	24.390%
<b>Liberal Democrat</b>	7	17.073%
<b>Green</b>	2	4.878%
	<b>41</b>	<b>100%</b>

### Political balance requirements

- 5.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on ordinary, licensing 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 four political groups on the Council: Conservative, Green, Labour and Liberal Democrat. The table below sets out the proposed allocation of seats on ordinary committees to the four political groups. This proposal satisfies the principles set out in paragraph 5.3 above.

Committee	Number of seats	Labour Group	Conservative Group	Liberal Democrat Group	Green Group
Appeals	11	6	3	2	0
Appointments	5	3	1	1	0
Employment	9	5	2	2	0
Governance & Audit	8	4	2	1	1
Planning	12	6	3	2	1
<b>Total allocation of places</b>	<b>45</b>	<b>24</b>	<b>11</b>	<b>8</b>	<b>2</b>
<b>Overall political balance</b>	<b>45</b>	<b>24</b>	<b>11</b>	<b>8</b>	<b>2</b>
<b>No adjustments required to achieve overall political balance</b>					

### Licensing and Safety Committee

- 5.6 There are 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.

- 5.7 The proposal for the 15 seats is in accordance with the proportionality rules.

	Number of seats	Labour Group	Conservative Group	Liberal Democrat Group	Green Group
<b>Licensing and Safety Committee</b>	15	8	4	2	1

### Overview and Scrutiny Commission

- 5.8 There are 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).

- 5.9 The proposal for the 12 seats is in accordance with the proportionality rules:

	<b>Number of seats</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Liberal Democrat Group</b>	<b>Green Group</b>
<b>Overview &amp; Scrutiny Commission</b>	12	6	3	2	1

- 5.10 In addition to the core Overview and Scrutiny Panel membership, all non-executive councillors can take part in review work. This enables the overview and 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.
- 5.11 There will be a meeting of each committee immediately following the Annual Council meeting to appoint chairs and to establish sub-committees.

### **Sub-committees**

- 5.12 Committees are required to observe political proportionality when setting the membership of sub-committees. The proposed allocation of sub-committee seats is set out below:

<b>Committee/Sub-committee</b>	<b>Number of seats</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Liberal Democrat Group</b>	<b>Green Group</b>
Councillor Appeals Panel	5	3	1	1	0
Education Employment Sub-committee	7	4	2	1	0

### **Substitutes**

- 5.13 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, on the nomination of a political group represented on the Council, appoint councillors to act as substitutes for members of their political group appointed to committees, up to the maximum number shown in the table below.

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

- 5.14 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 political group appointed to sub-committees.

## **Nominations**

- 5.15 Appendix A of agenda 11 sets out the proposed committees, sub-committees, steering groups, advisory groups and panels. Nominations from the Green Group have been included. Nominations from the other groups will be circulated separately.

### **Membership of external organisations**

- 5.16 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.
- 5.17 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.
- 5.18 Appendix B of agenda 11 sets out the external organisations to which appointments will be made. Nominations to these organisations will be circulated separately.

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

- 5.19 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.
- 5.20 The Council's custom and practice has been to accept attendance at any meetings of the bodies listed in appendix A of agenda item 11 as fulfilling the six-month attendance rule. Attendance at any of these meetings has previously been taken to mean 'in person'.
- 5.21 The Council has sound hybrid arrangements in place for councillors to participate in meetings remotely and it is well understood that that there must be a quorum of councillors in the room, and that those joining remotely cannot vote on items for decision at Council or its committees. Many of the non-decision-making meetings take place almost entirely remotely, including overview and scrutiny panel meetings. This pattern of meeting arrangements is likely to have the unintended consequence that a councillor who sits predominantly on bodies that meet remotely, may be unable to satisfy the requirements of the six-month rule.
- 5.22 Council is therefore asked to agree that attendance at any of the meetings listed in Appendix A, both remotely and in person satisfy the requirements of the six-month rule for councillor attendance at meetings.

## **6 Consultation and other considerations**

### Legal Advice

- 6.1 Seats on each committee will have been allocated having had regard to the following principles;
- a) That not all seats on the body to which appointments are made are to be allocated to the same political group
  - b) The majority of seats on the body is allocated to a particular political group if the numbers of persons belonging to that group is the majority of the Authority's membership
  - c) Subject to (a). and (b). the total number of seats on all the ordinary committees of the Authority allocated to a particular political group reflects that groups proportion of the membership of the Authority
  - d) Subject to (a). and (c), the number of seats on each body allocated to a particular political group reflects the groups proportion of the membership of the Authority
- 6.2 Under Section 85 of the Local Government Act 1972, if a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority. The term 'meeting' for this purpose can be read as extending to meetings of the Council, its committees, sub committees, joint committees or joint boards or other body by whom for the time being any functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons.
- 6.3 Quite separately if a member of the Executive fails for six months to attend any of the meetings of the Executive, they cease to be a member of the Authority unless the absence is approved by the Authority. For this purpose the discharge by a member acting alone, of any executive function, or the attendance at a meeting of a Committee of an Executive shall be deemed to be attendance at a meeting of an Executive.

### Financial Advice

- 6.4 As the names for each seat have not yet been identified, it is not possible to confirm whether there will be an impact on allowances. Therefore, it is unknown at this stage if there are to be any financial implications associated with this report.

### Other consultation responses

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

### Equalities Impact Assessment

- 6.6 Not relevant to this report.

### Strategic Risk Management Issues

- 6.7 It is critical for robust arrangements to be in place for the Council to conduct its business without procedural challenge. The establishment of committees and the allocation of seats to political groups satisfy this requirement.

### Climate Change Implications

- 6.8 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub>.

### Health & Wellbeing Considerations

- 6.9 The committees, partnerships and external organisations referred to within this report provide the governance framework for using local government powers and functions to improve the health of Bracknell Forest residents and reduce the inequalities that exist.

### Background Papers

None

### Contact for further information

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