

Title of Report:	Appointment of and Allocation of Seats on Committees 2013/14 Municipal Year
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2512

- Purpose of Report:**
- (1) To consider the appointment and allocation of seats on Committees and associated bodies for the next Municipal Year.
 - (2) To agree the Council's Policy Framework for 2013/14 as set out in Paragraph 6.1.

- Recommended Action:**
1. That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
 2. That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.10 (Table A).
 3. That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.
 4. In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.
 5. That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).
 6. That the Council approves the appointment of Members to the Committees as set out in Appendix B and in accordance with the wishes of the Political Groups.
 7. That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, agrees the Council's Policy

Framework for 2013/14 be as set out in paragraph 6.1 and that any appropriate amendments be made to the Council's Constitution should this be necessary.

8. That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.
9. That the Council agrees that Paragraph 2.6.5 of Article 6 of the Council's Constitution, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.
10. That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.
11. Two Parish/Town Councillors and two independent members be appointed to the Standards Committee's Advisory Panel.
12. To note that the council has appointed James Rees and John Bingham to be its Independent Persons.
13. Authority be delegated to the Head of Strategic Support and the Head of Legal Services to amend the Council's Scheme of Delegation and Overview and Scrutiny Rules of Procedure to reflect the work of the Health Scrutiny Panel and the Resource Management Working Group being subsumed into the Overview and Scrutiny Management Commission.
14. The Council's Calendar of Meetings be amended to reflect that the Health Scrutiny Panel and the Resource Management Working Group have been subsumed in to the Overview and Scrutiny Management Commission.

Reason for decision to be taken:

It is a statutory requirement

Other options considered:

As it is a statutory requirement no additional options were considered.

Key background documentation:

- The Local Government and Housing Act 1989
- Local Government (Committees and Political Groups) Regulations 1990

- Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- The Localism Act 2011

The proposals will help achieve the following Council Strategy principle:

CSP9 - Doing what's important well

The proposals contained in this report will help to achieve the above Council Strategy principle by:
Ensuring that the Council complies with the legislative framework.

Portfolio Member Details

Name & Telephone No.:	Councillor Gordon Lundie
E-mail Address:	glundie@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed on 19 March 2013

Contact Officer Details

Name:	Moira Fraser
Job Title:	Democratic Services Manager
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Implications

Policy:	The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually.
Financial:	Members Allowances, proposed by the Independent Remuneration Panel, were agreed at Council meeting held on the 03 March 2011.
Personnel:	None
Legal/Procurement:	The allocation of seats to Political Groups in accordance with Section 15(5) of the Local Government and Housing Act 1989 and related regulations mentioned in this report. The provisions of the Localism Act were brought into effect on 1st July 2012 which resulted in an amendment to the Governance Structures in respect of the Standards Committee.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	Stage 1 EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1. In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting.
- 1.2. This report sets out the Membership of the two Political Groups, the size and Membership of the Committees as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2013/14 Policy Framework.

2. Proposals

- 2.1 In allocating seats on Committees, the Council must give effect, so far as reasonably practical, to the principles contained in Section 15(5) of the Local Government and Housing Act 1989.
- 2.2 This report sets out the number of seats on each group based on the 'basket principle' whereby the Liberal Democrat Group would be entitled to 25% of the seats and the Conservative Group 75% of the seats following the May 2011 elections.

3. Equalities Impact Assessment Outcomes

- 3.1 Officers do not consider that any groups will be affected by this report. Councillors will be asked if they want to be appointed to Committees or Commissions. The Council strives to ensure that all venues used for meetings accord with any relevant legislation.

4. Conclusion

- 4.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2013/14 Municipal Year.
- 4.2 Members are asked to agree the Council's Policy Framework for 2013/14 as set out in Paragraph 6.1 of the report.

Executive Report

1. Introduction

- 1.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Members have given notice of their wish to be regarded as Members of the Political Groups set out below.

Conservative Political Group	Liberal Democrat Political Group
Argyle, Peter	Allen, David
Bairstow, Howard	Brooks, Jeff
Bale, Pamela	Drummond, Billy
Beck, Jeff	Hunneman, Roger
Bedwell, Brian	Lock, Mollie
Betts, David	Longton, Royce
Boeck, Dominic	Macro, Alan
Bryant, Paul	Mason, Gwendoline
Chandler, George	Mayes, Geoff
Chopping, Keith	Rendel, David
Cole, Hilary	Swift-Hook, Julian
Croft, Roger	Vickers, Tony
Crumly, Richard	Woodhams, Keith
Edwards, Adrian	
Ellison, Sheila	
Franks, Marcus	
Goff, Dave	
Gopal, Manohar	
Hewer, Paul	
Holtby, David	
Horton, John	
Jackson-Doerge, Carol	
Johnston, Mike	
Jones, Graham	
Law, Alan	
Linden, Tony	
Lundie, Gordon	
Metcalfe, Tim	
Mooney, Joe	
Neill, Irene	
Pask, Graham	
Rowles, Andrew	
Stansfeld, Anthony	
Simpson, Garth	
Tuck, Ieuan	
Von Celsing, Virginia	

Webb, Quentin
Webster, Emma
Zverko, Laszlo

Recommendation:

- **That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.**

2. Appointment of Committees

- 2.1 In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive.
- 2.2 It is proposed that Council appoint the Committees (as set out in Table A) and their relevant Sub-Committees with the number of places shown for each.
- 2.3 The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided for the current statutory Standards Committee. It is considered that the Council should appoint a Standards Committee as a Committee of Council to deal with the "standards arrangements" as required by the Act. The Standards Committee comprising six members will need to accord with the proportionality rules. Although there is no requirement to have a Standards Committee or Parish/ Town Council representatives appointed to it, it is suggested that this approach would help to build confidence in the new ethical framework which will be important when dealing with complaints in the future. If agreed the two Parish/ Town Council representatives would be non voting members of the Committee.
- 2.4 It has also been agreed that an Advisory Committee of the Standards Committee comprising eight members being two from the Administration, two from the Opposition group, two Parish and two Independent members be set up. The Advisory Committee would be chaired by one of the existing independent members. It would make recommendations to Standards Committee particularly as regards complaints and investigations.
- 2.5 A new Committee known as the Health and Wellbeing Board has been established as a Sub-Committee of the Executive in accordance with the Health and Social Care Act 2012. A number of regulations linked to Committee have been disapplied such as the proportionality rules and rules pertaining to voting. This will need to be reflected in the Executive Rules of Procedure.
- 2.6 The Health and Social Care Act 2001 requires the Council to scrutinise "any matter relating to the planning, provision and operation of health services within an area of its local authority". In order to fulfil these responsibilities the Council has had in place a Health Scrutiny Panel. The health landscape has changed dramatically recently with the demise of Primary Care Trusts and the emergence of Clinical Commissioning Groups, Health and Wellbeing Boards and local Healthwatch.
- 2.7 In order to recognise this new health structure and to assist in reducing an increasing meeting workload it is proposed that the Council's roles and

responsibilities under the Health and Social Care Act 2001 are incorporated into the work programme of the Overview and Scrutiny Management Commission. This will require the Council's Scheme of Delegation and Overview and Scrutiny Rules of Procedure to be amended to reflect this change.

- 2.8 As part of the Council's scrutiny of its internal processes and procedures the Council has had in place a Resource Management Working Group. However, given the need to reduce the number of meetings held it is proposed not to appoint the Resource Management Working Group in 2013. The duties and responsibilities of this Group will be incorporated into the work programme for the Overview and Scrutiny Management Commission.
- 2.9 As part of the changes referred to in Paragraphs 2.6-2.9 it is proposed to extend the number of Members on the Overview and Scrutiny Commission from 12 to 16 Members. This will enable the Commission to establish time limited task groups should this be necessary.
- 2.10 As part of the proposed governance changes it will be necessary to amend the 2013/14 calendar of meetings.

Table A

Body	Number of Seats
Overview and Scrutiny Management Commission	16
Licensing Committee	14
District Planning Committee	12 <i>(six members of the Eastern Area Planning Committee and six Members of the Western Area Planning Committee)</i>
Eastern Area Planning Committee	12
Western Area Planning Committee	12
Governance and Audit Committee	7
Personnel Committee	5
Standards Committee	6 <i>(two non-voting co-opted Parish Councillors will also be appointed to this Committee)</i>
Total	84

Recommendation:

- **That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.10 (Table A).**

3. Allocation of Seats

3.1 The political balance of the Council currently stands as follows:

	Number of Members No.	Political Composition %
Conservative Group	39	75%
Liberal Democrat Group	13	25%
	52	100.00%

3.2 In allocating seats on Committees, the Council must give effect, so far as reasonably practical, to the principles contained in Section 15(5) of the Local Government and Housing Act 1989 which may be summarised as follows:

- (1) Not all seats on any Committee are to be allocated to the same political group;
- (2) The majority of seats on any Committee must be allocated to the majority Group;
- (3) Subject to (1) and (2) above, the number of seats on ordinary Committees must be allocated to each political group in the same proportion as their representation on the Council;
- (4) Subject to (1) and (3) above, the number of seats on any Committee must be the same proportion as the political groups representation on full Council.
- (5) To qualify two or more Members must form a group.

3.3 Based on 84 seats (Table A), the “basket” principle and the normal rules of rounding the following number of seats would therefore be allocated to each Group.

Conservatives	84 x 75% = 63
Liberal Democrats	84 x 25% = 21
Total	84

3.4 The seats on Committees will therefore be allocated as follows:

Table B

Committee	Total Number of Seats	Liberal Democrats	Conservatives
Overview and Scrutiny Management Commission	16	4	12
Licensing Committee	14	3	11

Committee	Total Number of Seats	Liberal Democrats	Conservatives
District Planning Committee	12	3	9
Eastern Area Planning Committee	12	3	9
Western Area Planning Committee	12	3	9
Governance and Audit Committee	7	2	5
Personnel Committee	5	1	4
Standards Committee	6	2	4
Total	84	21	63

Recommendation:

- **That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.**

4. Substitutes

- 4.1 In accordance with the Council's Constitution, the Council is required to determine the number of substitute Members that may be appointed in respect of each Committee. The current numbers of substitutes for each is as follows:

Table C

Overview and Scrutiny Management Commission	4 per Political Group
Area Planning Committees	4 per Political Group
District Planning Committee	4 per Political Group – 2 from the Eastern Area of the District and 2 from the Western Area of the District
Licensing Committee	No substitutes permitted
Governance and Audit Committee	2 per Political Group
Personnel Committee	2 per Political Group
Standards Committee	No substitutes permitted

- 4.2 In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.

Recommendation:

- **That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).**

5. Appointment to Committees

5.1 Appendix B is a list of Committees and the nominations from each Political Group.

Recommendation:

- **That the Council approves the appointment of Members to the Committees as set out in Appendix B and in accordance with the wishes of the Political Groups.**

6. Planning and Policy Framework

6.1 In accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008 the Council is requested to confirm the Policy Framework for 2012/13 as set out below:

- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy ;
- Plans and strategies which together comprise the Local Development Framework;
- Health and Wellbeing Strategy.

Recommendations:

- **That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, the Council's Policy Framework for 2013/14 be as set out above and that any appropriate amendments be made to the Council's Constitution should this be necessary.**
- **That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, all other plans, approves that policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.**

7. Executive – Article 6 and Part 5 Rules of Procedure

7.1 Paragraph 2.6.5 of Article 6 sets out the current Executive Portfolio and this may need to be amended in the light of any proposed changes to these Portfolios.

As of the end of November 2012 the 2012/13 Portfolios were:

Leader of Council
Partnerships, Equality, The Visions, Communities, Emergency Planning
Finance, Pensions, Procurement, Economic Development, H & S, HR
Children & Young People, Education, Youth Service
Community Care, Insurance
Environment, 'Cleaner Greener,' Public Protection, Customer Services, Culture & Leisure
Planning, Highways, Transport, Property
Health & Well Being, Community Safety
Strategy & Performance, Housing, ICT & Corporate Support, Strategic Support, Legal

Recommendation:

- **That the Council agrees that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.**

8. Standards Committee

8.1 The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided for the current statutory Standards Committee. It is considered that the Council should appoint a Standards Committee as a Committee of Council to deal with the "standards arrangements" as required by the Act. The Standards Committee comprising six members will be governed by proportionality arrangements. It is suggested that from a public perspective two co-opted representatives from Parish Councils will also sit on this committee but would be non-voting.

8.2 It has also been suggested that an Advisory Committee comprising eight members being two from the Administration, two from the Opposition group, two Parish and two Independent members be set up. The Advisory Committee, which is not subject to the proportionality rules would be chaired by an independent member. It would make recommendations to Standards Committee particularly as regards complaints and investigations.

Recommendation:

- **That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.**
- **Two Parish/Town Councillors and two independent members be appointed to the Standards Committee's Advisory Panel.**
- **To note that the council has appointed James Rees and John Bingham to be its Independent Person(s).**

Appendices

Appendix A – Equality Impact Assessment – Stage 1
Appendix B – Membership of Committees
Appendix C – Revised calendar of public meetings

Consultees

Local Stakeholders: None

Officers Consulted: Andy Day, David Holling, Robin Steel, Gillian Durrant, Corporate Board

Trade Union: Not consulted

Equality Impact Assessment – Stage One

Name of item being assessed:	Appointment and Allocation of Seats on Committees
Version and release date of item (if applicable):	May 2013
Owner of item being assessed:	Andy Day
Name of assessor:	Moira Fraser
Date of assessment:	07/03/12

1. What are the main aims of the item?
This report sets out the Membership of the two Political Groups, the size and Membership of the Committees and Commissions as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2011/12 Policy Framework

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
I do not consider that any groups may be affected by this report. Councillors will be asked if they want to be appointed to committee or commission. The Council strives to ensure that all venues used for meetings are DDA compliant etc.		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	yes

Name: Moira Fraser

Date: 07 March 2013