

Title of Report:	Appointment of and Allocation of Seats on Committees for the 2015/16 Municipal Year
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2857

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 2015/16 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 2.2 (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 (Table B).
4. That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).
5. 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. Where substitutes attend the District Planning Meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
6. That the Council approves the appointment of Members to the Committees as set out in Appendix A 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 2015/16 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, setting out the Executive Portfolios, be amended to reflect any changes made by the Leader of the Council 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. That the appointment of two Parish/Town Councillors and two independent members be made to the Standards Committee's Advisory Panel.
12. To appoint two Independent Persons.
13. To agree to the membership of the Health and Wellbeing Board as set out in paragraph 9.1
14. That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.
15. That the Council agree to consider whether or not it would be appropriate to merge the Governance and Audit and Standards Committee at the July 2015 Council meeting.

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 Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

The proposals will help achieve the following Council Strategy principle:

☒ **CSP8 - 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.:	Leader of the Council
----------------------------------	-----------------------

Contact Officer Details

Name:	Moira Fraser
Job Title:	Democratic Services Manager
Tel. No.:	01635 519045
E-mail Address:	mfraser@westberks.gov.uk

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, will be agreed at this Council meeting.
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.
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>	
Not relevant to equality				<input checked="" type="checkbox"/>

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 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 2015/16 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'.

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 2015/16 Municipal Year.
- 4.2 Members are asked to agree the Council's Policy Framework for 2015/16 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 Group	Liberal Democrat Group
Steve Ardagh-Walter	Lee Dillon
Peter Argyle	Billy Drummond
Howard Bairstow	Mollie Lock
Pamela Bale	Alan Macro
Jeremy Bartlett	
Jeff Beck	
Dennis Benneyworth	
Dominic Boeck	
Graham Bridgman	
Paul Bryant	
Anthony Chadley	
Keith Chopping	
Jeanette Clifford	
Hilary Cole	
James Cole	
Roger Croft	
Richard Crumly	
Rob Denton-Powell	
Lynne Doherty	
Adrian Edwards	
Sheila Ellison	
Marcus Franks	
James Fredrickson	
Dave Goff	
Nick Goodes	
Manohar Gopal	
Paul Hower	
Clive Hooker	
Carol Jackson-Doerge	
Marigold Jaques	
Mike Johnston	
Graham Jones	
Rick Jones	
Alan Law	
Tony Linden	

Gordon Lundie	
Tim Metcalfe	
Ian Morrin	
Graham Pask	
Anthony Pick	
James Podger	
Garth Simpson	
Richard Somner	
Anthony Stansfeld	
Virginia von Celsing	
Quentin Webb	
Emma Webster	
Laszlo Zverko	

Recommendation 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. 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.

Table A

Body	Number of Seats
Overview and Scrutiny Management Commission	12
Licensing Committee	12
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
Personnel Committee	6
Appeals Panel	12
Governance and Audit Committee	8
Standards Committee	6 <i>(two non-voting co-opted Parish Councillors will also be appointed to this Committee)</i>
Total	92

Recommendation 2 and 14:

- That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.2 (Table A).
- That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.

3. Allocation of Seats

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

	Number of Members No.	Political Composition %
Conservative Group	48	92.3%
Liberal Democrat Group	4	7.7%
	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 group's representation on full Council.
- (5) To qualify two or more Members must form a group.

3.3 Based on **92** seats (Table A), the "basket" principle and the normal rules of rounding the following number of seats would therefore be allocated to each Group.

Group	Ratio	No of Seats
Conservative Group	92% x 92	85
Liberal Democrat Group	8% x 92	7
Total		92

However in accordance with rule (1) as set out in paragraph 3.2 above the Liberal Democrat group would be entitled to one seat on each of the above nine committees. *This means that they would therefore be entitled to nine seats.

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

Table B			
Committee	Total Number of Seats	Conservative Group	Liberal Democrat Group
Overview and Scrutiny Management Commission	12	11	1
Licensing Committee	12	11	1
District Planning Committee	12	11	1
Eastern Area Planning Committee	12	11	1
Western Area Planning Committee	12	11	1
Personnel Committee	6	5	1
Appeals Panel	12	11	1
Standards Committee	6	5	1
Governance and Audit Committee	8	7	1
Total	92	83	9*

Recommendation 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 (Table B).
- That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.

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
Personnel Committee	2 per Political Group
Appeals Panel	No substitutes permitted
Standards Committee	No substitutes permitted
Governance and Audit Committee	2 per Political Group

- 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.

Recommendations 4 and 5:

- **That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).**
- **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. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.**

5 Appointment to Committees

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

Recommendation 6:

- **That the Council approves the appointment of Members to the Committees as set out in Appendix A 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 2015/16 as set out below:
- Council Strategy;
 - Local Transport Plan;
 - Licensing Policy;
 - Gambling Policy ;
 - Plans and strategies which together comprise the Development Plan
 - Health and Wellbeing Strategy.

Recommendations 7 and 8:

- **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 2015/16 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 made by the Leader of the Council to these Portfolios.

As of the end of April 2015 the 2014/15 Portfolios were:

Leader of the Council
Highways, Transport (Operations), Newbury Vision
Adult Social Care
Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing
Strategy and Performance, Housing, ICT & Corporate Support, Legal and Strategic Support
Health and Well Being
Finance, Economic Development, Health and Safety, Human Resources, Pensions, Property, Insurance
Children & Young People, Youth Service, Education, Safeguarding
Partnerships, Equality, Communities, Community Safety, Hungerford & Eastern Area Visions, Cleaner & Greener, Thatcham Vision
Emergency Planning

Recommendation 9:

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

8. Standards Committee

- 8.1 The Standards Committee is required to undertake the "standards arrangements" as required by the Localism Act 2011. The Standards Committee will comprise

eight Members and must accord with the proportionality rules. It has also been agreed that two non voting Parish/Town Council representatives will be appointed to the Standards Committee to build confidence when dealing with local complaints.

- 8.2 In addition an Advisory Committee of the Standards Committee comprising eight Members (2 Members of the Administration and two Members of the Opposition, two Parish Councillors and two Independent Members) will be appointed. The Advisory Committee will be chaired by one of the independent members. The Advisory Panel makes recommendations to the Standards Committee particularly as regards complaints and investigations.

Recommendations 10, 11, 12 and 15:

- **That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.**
- **That the appointment of two Parish/Town Councillors and two independent members be made to the Standards Committee's Advisory Panel.**
- **To appoint two Independent Persons.**
- **That the Council agree to consider whether or not it would be appropriate to merge the Governance and Audit and Standards Committee at the July 2015 Council meeting.**

9. Health and Wellbeing Board

- 9.1 The Health and Wellbeing Board is 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 in relation to this Committee such as the proportionality rules and rules pertaining to voting. It has been agreed that the membership of the Board will be as follows*:

- Leader of the Council or other appropriate elected Member
- Portfolio Holder with responsibility for Health and Wellbeing
- North and West Reading Clinical Commissioning Group
- Newbury and District Clinical Commissioning Group
- Strategic Director of Public Health or Assistant Director of Public Health
- Director of Community Services (role covers Children's Services and Adult Social Services)
- Local Healthwatch Representative
- Representative from the Umbrella Organisation (Empowering West Berkshire) representing the Voluntary and Community Sector
- Portfolio Holder with responsibility for Children and Young People
- Portfolio Holder with responsibility or Adult Social Care
- Shadow Portfolio Holder with responsibility for Health and Wellbeing
- NHS England Local Area Team

- Chief Officer (Federation of CCGs)

*Subject to any changes made to the Portfolio Holders by the Leader at the Council meeting.

Recommendation 13

- **To agree the membership of the Health and Wellbeing Board as set out in paragraph 9.1.**

Appendices

Appendix A – Membership of Committees *(to be tabled at the Council meeting)*

Consultees

Local Stakeholders: None

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

Trade Union: Not consulted