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# Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	25 May 2023
<b>Portfolio Member</b>	Leader of Council
<b>Date Portfolio Member agreed report:</b>	15 May 2023
<b>Report Author:</b>	Sarah Clarke
<b>Forward Plan Ref:</b>	C4392

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## 1 Purpose of the Report

- 1.1 Following the recent election on the 4<sup>th</sup> May 2023, the representation of the respective political parties has changed at the Council. This purpose of this report is to consider the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, that reflects the latest political make-up of the Council and to reflect the new Political Administration's proposed revisions to this allocation.
- 1.2 The election of Councillors to West Berkshire Council usually takes place every four years but the political representation of members on committees needs to be considered on an annual basis.
- 1.3 To agree the Council's Policy Framework for 2023/24 as set out in paragraph 5.22 of the report, reflective of the Policies reserved for Full Council.

## 2 Recommendations

- 2.1 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 5.1 are to be regarded as Members of the Liberal Democrat and Conservative Groups respectively.
- 2.2 That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in Table A, at paragraph 5.5.
- 2.3 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 Table B at paragraph 5.14 of the report.

- 2.4 That the number of substitutes on each of the Committees and Commissions be as set out in Table C, at paragraph 5.17.
- 2.5 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.
- 2.6 That the Council approves the appointment of Members to the Committees as set out in Appendix A and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.
- 2.7 That the Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, agrees that the Council's Policy Framework for 2023/24 be as set out in paragraph 5.22 of this report, and that any necessary amendments be made to the Council's Constitution.
- 2.8 That the Council notes that other plans, policies and strategies requiring approval which are not included in the approved Policy Framework and which are not otherwise reserved by law to Council, will be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.
- 2.9 That the Council notes that Paragraph 6.2 of Article 6 of the Constitution will be amended to reflect any changes made to the Executive by the Leader of the Council at the Annual Council meeting.
- 2.10 That the appointment of two non-voting co-opted Parish/Town Councillors be made to the Governance Committee as detailed in Appendix A.
- 2.11 To re-appoint three Independent Persons (standards) namely Lindsey Appleton, Mike Wall and Alan Penrith, and to appoint Simon Carey as an Independent Person (Audit) to focus on the risk and audit functions of the Governance Committee.
- 2.12 To note the membership of the Health and Wellbeing Board as set out in Appendix A.
- 2.13 That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.
- 2.14 Council is asked to note the Council Bodies Rules as detailed at Appendix

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	No new implications arising from this report. Members Allowances are met from within existing budgets in accordance with the proposals agreed by Council.

<b>Human Resource:</b>	None			
<b>Legal:</b>	The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report.			
<b>Risk Management:</b>	None			
<b>Property:</b>	None			
<b>Policy:</b>	The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		
<b>Health Impact:</b>		x		

<b>ICT Impact:</b>		x		
<b>Digital Services Impact:</b>		x		
<b>Council Strategy Priorities:</b>		x		
<b>Core Business:</b>		x		
<b>Data Impact:</b>		x		
<b>Consultation and Engagement:</b>	The political groups have been consulted on aspects of this report.			

## 4 Executive Summary

- 4.1 This report sets out the Membership of the Political Groups, the proposed 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 2023/24 Policy Framework.
- 4.2 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.
- 4.3 Appointments to the Executive are a matter reserved to the Leader of Council, and are not therefore not included in this report.

## 5 Supporting Information

### Political Groups

- 5.1 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.

<b>Liberal Democrat</b>	<b>Conservative</b>	<b>Green</b>
Adrian Abbs	Dennis Benneyworth	Carolyne Culver (Green)
Antony Amirtharaj	Dominic Boeck	David Marsh (Green)
Phil Barnett	Paul Dick	
Jeff Brooks	Clive Hooker	
Nick Carter	Paul Kander	
Patrick Clark	Jane Langford	
Heather Codling	Ross Mackinnon	

Martin Colston	Biya Oloko	
Jeremy Cottam	Richard Somner	
Iain Cottingham	Jo Stewart	
Laura Coyle	Howard Woollaston	
Lee Dillon		
Billy Drummond		
Nigel Foot		
Denise Gaines		
Stuart Gourley		
Owen Jeffery		
Janine Lewis		
Alan Macro		
Geoffrey Mayes		
Erik Pattenden		
Justin Pemberton		
Vicky Poole		
Chris Read		
Matthew Shakespeare		
Stephanie Steevenson		
Louise Sturgess		
Martha Vickers		
Tony Vickers		

5.2 It is proposed at recommendation 2.1, 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 5.1 are to be regarded as Members of the Liberal Democrat, Conservative and Green Groups respectively.

5.3 There is one further Member of Council, namely Clive Taylor (Labour).

### **Appointment of Committees**

5.4 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 or its sub-committees.

5.5 It is proposed that Council appoint the Committees set out in Table A, with the number of places shown for each.

**Table A**

<b>Body</b>	<b>Number of Seats</b>
Scrutiny Commission	9

Licensing Committee	12
District Planning Committee	11 <i>(five members of the Eastern Area Planning Committee and five Members of the Western Area Planning Committee as well as the Portfolio Holder for Planning)</i>
Eastern Area Planning Committee	9
Western Area Planning Committee	9
Personnel Committee	5
Appeals Panel	12
Governance Committee	9 <i>(two co-opted, non voting Parish Councillors and an Independent Person (Audit) will also be appointed to this Committee )</i>
Health Scrutiny Committee	5 <i>(Will additionally include two non-voting co-optees)</i>
<b>Total</b>	<b>81</b>

- 5.6 The Health and Wellbeing Board is subject to its own Membership requirements and is therefore not included in the above table. The boundaries for the Eastern and Western Area Planning Committees are set out in Appendix C.
- 5.7 In addition to the Committees in Table A above, the Council has appointed a Joint Public Protection Committee and a Joint Health Overview and Scrutiny Committee. West Berkshire Council has two seats on each of these Committees, although one of the seats on the Joint Public Protection Committee is made by way of an Executive appointment. As there are only two seats on these Joint Committees, the provisions regarding political balance do not apply.
- 5.8 It is proposed that 12 Members be appointed to the Licensing Committee and the Appeals Panel, to ensure that there is a sufficient pool of Members trained and available to undertake the work of these Committees which frequently sit as a Sub-Committee or Panel.

- 5.9 It is recommended (at 2.2) that the Council agrees to the appointment of the various Committees and to the number of places on each as set out in Table A.
- 5.10 It is recommended (at paragraph 2.13) that authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.
- 5.11 The Rules for Council Bodies were recently reviewed and approved by Council as part of the Constitution Review, and these are attached to this report for information at Appendix D.

### **Allocation of Seats**

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

	<b>Number of Members</b> No.	<b>Political Composition</b> %
Liberal Democrat Group	29	67.44% (67%)
Conservative Group	11	25.58% (26%)
Green Group	2	4.65% (5%)
Others	1	2.32% (2%)
	<b>43</b>	<b>100.00%</b>

- 5.13 In allocating seats on Committees, the Council must give effect to the requirements for political balance on Committees as prescribed by section 15 of the Local Government and Housing Act 1989. These requirements apply only to voting members of the Committee.
- 5.14 This section creates a sequential test that must be adhered to when allocating seats to the Committees of Council, which provides 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 the satisfaction of the above statutory criteria, the total number of seats on ordinary Committees must be allocated to political groups in the same proportion as their representation on the Council;
  - (4) Subject to all the above, the number of seats on each Committee must be the same proportion as the political group's representation on full Council;

Having regard to the above, it is recommended that the seats on Committees should be allocated as set out in Table B below.

<b>Table B</b>				
<b>Committee</b>	<b>Total Number of Seats</b>	<b>Liberal Democrat Group</b>	<b>Conservative Group</b>	<b>Others*</b>
Scrutiny Commission	9	5	3	1
Health Scrutiny Committee	5	4	1	0
Licensing Committee	12	8	3	1
District Planning Committee	11	8	2	1
Eastern Area Planning Committee	9	5	3	1
Western Area Planning Committee	9	5	3	1
Personnel Committee	5	4	1	0
Appeals Panel	12	9	3	0
Governance Committee	9	6	2	1
<b>Number of Seats Allocated</b>	<b>81</b>	<b>54</b>	<b>21</b>	<b>6</b>
<b>Percentage Allocated</b>	<b>100%</b>	<b>66.7%</b>	<b>25.9%</b>	<b>7.4%</b>
<b>Percentage on Council</b>		<b>67.44%</b>	<b>25.58%</b>	<b>6.97%</b>
<b>Allocation of seats based on %</b>	<b>81</b>	<b>55</b>	<b>21</b>	<b>5</b>
<b>Percentage of seats</b>	<b>100%</b>	<b>67.9%</b>	<b>25.9%</b>	<b>6.2%</b>

5.15 It is recommended (at 2.3) 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 Table B above. It is also recommended that the Monitoring Officer be given delegated powers to make any changes required to the Constitution arising out of this recommendation.

### **Substitutes**

5.16 The Council is also required to determine the number of substitute Members that may be appointed in respect of each Committee.

5.17 The proposed number of substitutes for each Committee is detailed in Table C below.



<b>Table C</b>	
Scrutiny Commission	Up to 3 per Political Group
Health Scrutiny Committee	Up to 2 per Political Group on the Committee
Area Planning Committees	Up to 3 per Political Group
District Planning Committee	Up to 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	Up to 2 per Political Group on the Committee
Appeals Panel	No substitutes permitted
Governance Committee	Up to 2 per Political Group

5.18 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.

5.19 It is proposed that the number of substitutes on Committees and Commissions be approved as set out in Table C.

### **Appointment to Committees**

5.20 Appendix A is a full list of Committees and the nominations from each Political Group, including the Joint Public Protection Committee and the Joint Health Overview and Scrutiny Committee.

5.21 It is proposed that the Council approves the appointment of Members to the Committees as set out in Appendix A, and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.

### **Planning and Policy Framework**

5.22 It is recommended that, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, the proposed Budget and

Policy Framework for 2023/24 (Policies etc reserved to Council) contains the Budget, Policies, Plans and Strategies set out below:

- Investment and Borrowing Strategy;
- Medium Term Financial Strategy;
- Capital Strategy;
- Revenue Budget;
- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy;
- Plans and strategies which together comprise the Development Plan;
- Health and Wellbeing Strategy;
- Statutory Pay Policy Statement;
- Property Investment Strategy.

5.23 Other plans, policies and strategies requiring approval which are not included in the approved Policy Framework and which are not otherwise reserved by law to Council, will be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.

### **Executive**

5.24 Council are asked to note that the Constitution will be amended to reflect any changes made to the Executive Portfolios by the Leader of the Council announced at this Annual Council meeting.

### **Governance Committee**

5.25 In addition to the elected Members who will be appointed on a proportional basis to the Governance Committee, it is recommended that two co-opted non-voting Parish/Town Councillors also be appointed. In addition two substitute (and also non-voting) Parish/Town Councillors will also be appointed to provide continuity.

5.26 It is also proposed that the Advisory Panel and three Independent Persons be retained.

5.27 Following the Redmond Review, it is also recommended that the Council appoint an Independent Person (Audit) to focus on the risk and audit functions of the Governance Committee. Details of the proposed re-appointment of Simon Carey to continue fulfil this role during the municipal year 2023/24, are set out in the recommendations and at Appendix A.

5.28 It is recommended that Council appoint as non-voting co-opted Parish/Town Councillors to the Governance Committee the parish council representatives, and the substitute parish council representatives as detailed in Appendix A.

5.29 It is also proposed that Council re-appoint three Independent Persons namely Lindsey Appleton, Alan Penrith, and Mike Wall to assist with Standards matters.

## **Health and Wellbeing Board**

- 5.30 The Health and Wellbeing Board is created under the relevant provisions of the Health and Social Care Act 2012. A number of regulations linked to Committees have been dis-applied in relation to this Committee such as the proportionality rules and rules pertaining to voting.
- 5.31 The membership of the Board is set out in Appendix A and a number of the Board Members have nominated a named substitute as set out in that Appendix.
- 5.32 Council is asked to note the membership of the Health and Wellbeing Board, including those Members nominated by the Leader of Council, which are set out in Appendix A.

## **6 Proposals**

- 6.1 As detailed in this report, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 29 Members wish to be regarded as members of the Liberal Democrat Group, 11 Members wish to be regarded as members of the Conservative Group, and 2 Members wish to be regarded as members of the Green Party Group. In addition, there is one member who is not a member of a group because the Regulations require at least two members to form a Group.
- 6.2 Members, and where appropriate substitutes, will be appointed to 8 Committees totalling 81 seats. In this case 54 of these seats will be allocated to Liberal Democrat Members, 21 to Conservative Members and 6 to Green Party and Other Members. The Health and Wellbeing Board is not included in these appointments as it is subject to its own membership requirements.
- 6.3 It is proposed that the appointments to Committees are made in accordance with the wishes of the Political Groups and as fully set out in the recommendations and related Appendices.
- 6.4 The Council will continue to appoint two Parish/Town Councillors to the Governance Committee, three Independent Persons (Standards) and one Independent Person (Audit). Two substitute Parish/ Town Councillors will be appointed to the Governance Committee.

## **7 Other options considered**

- 7.1 None as the Council is required to consider and review membership of committees on an annual basis.

## **8 Conclusion**

- 8.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2023/24 Municipal Year.
- 8.2 Members are asked to agree the Council's Policy Framework for 2023/24 as set out in Paragraph 5.22.

## 9 Appendices

- 9.1 Appendix A – Membership of Committees 2023/2024 (To Follow)
- 9.2 Appendix B - Task Group and Panel Memberships 2023/24 (To Follow)
- 9.3 Appendix C – Wards covering each Planning Committee
- 9.4 Appendix D – Council Bodies Rules

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

- |  |                                     |
|--|-------------------------------------|
| 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 Committee 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"/>            |

**Wards affected:** All

### Officer details:

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## Appendix C – Wards covering each Planning Committee

Wards within the Western Planning Area	Wards within the Eastern Planning Area
Lambourn	Basildon
Downlands	Pangbourne
Ridgeway	Bucklebury
Hungerford and Kintbury	Bradfield
Chieveley and Cold Ash	Aldermaston
Newbury Speen	Burghfield and Mortimer
Newbury Central	Theale
Newbury Wash Common	Tilehurst and Purley
Newbury Clay Hill	Tilehurst Birch Copse
Newbury Greenham	Tilehurst South and Holybrook
	Thatcham West
	Thatcham North East
	Thatcham Colthrop and Crookham
	Thatcham Central

## **Appendix D – Council Bodies Rules**