

Constitutional Amendments Relating to the Joint Public Protection Committee

Committee considering report:	Governance Committee
Date of Committee:	26 June 2023
Portfolio Member:	Councillor Lee Dillon
Date Portfolio Member agreed report:	22 June 2023
Report Author:	Sean Murphy
Forward Plan Ref:	URGENT ITEM

1 Purpose of the Report

- 1.1 To consider amendments to the Constitution in light of a recommendation from the Joint Public Protection Committee, to amend the membership of the Committee (JPPC) to include three Members from each authority.

2 Recommendations

It is proposed that the Governance Committee consider this report and recommend that Council:

- 2.1 Approves the amendments to Part 6.5 (Appendix Joint Public Protection Committee) of the Constitution to reflect the revised membership of the Committee as set out in [paragraph 4.7](#) and [paragraph 4.8](#).
- 2.2 Approves the amendments to Part 3.1 (JPPC) of the Constitution as set out in [paragraph 4.6](#)
- 2.3 Appoints a Member to the JPPC, which will be effective from the date that the amendments to the Inter Authority Agreement is completed by both authorities.
- 2.4 Delegates authority to the Service Lead for Legal and Democratic Services in consultation with the Service Lead for Public Protection to amend the Inter Authority Agreement to reflect the amended Membership of the JPPC.
- 2.5 Delegates authority to the Monitoring Officer to make any additional minor amendments to the Constitution arising from this decision.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with the compilation of this report.
Human Resource:	There are no HR implications associated with this report.
Legal:	<p>The terms of reference of the JPPC are set out in Part 3.1 and Part 6.5 (Appendix Joint Public Protection Committee) of West Berkshire Council’s Constitution (as the host authority) and should be read in conjunction with the Meeting Procedure Rules which set out the rules and procedures that apply to all of the Council’s Bodies and Sub-Bodies.</p> <p>The arrangements of the JPPC and the Public Protection Partnership are also included in the Inter Authority Agreement (IAA) which will need to be amended to reflect these changes if approved.</p> <p>Section 6.5 (Appendix Joint Public Protection Committee at paragraph 8.1 requires the JPPC to refer back to the Councils for decision any proposal that it has agreed in principle seeking to make significant changes to the fundamental principles or operation of the PPP.</p> <p>Nicola Thomas, Service Lead, Legal and Democratic Services and Sarah Clarke, Service Director, Strategy & Governance, have been consulted on the report.</p>
Risk Management:	There is a risk that any decision of the JPPC could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.
Property:	There are no property implications associated with this report.
Policy:	Should Members be minded to approve the recommendations the Constitution will need to be updated.

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	Positive	Neutral	Negative	Commentary
Equalities Impact:		x		
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:	x			,
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		This work would constitute business as usual.
Core Business:		x		This work would constitute business as usual.
Data Impact:		x		

Consultation and Engagement:	<p>The Joint Public Protection Committee was consulted at the meeting on the 12 June 2023.</p> <p>Nicola Thomas, Service Lead, Legal and Democratic Services and Sarah Clarke, Service Director, Strategy & Governance, have been consulted on the report.</p>
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4 Executive Summary

- 4.1 The Public Protection Partnership (PPP) is a shared service delivering Environmental Health, Licensing and Trading Standards on behalf of two authorities (Partners), Bracknell Forest Council (BFC) and West Berkshire Council (WBC). It also provides services under shared service arrangements with Wokingham Borough Council. Up until the 31st March 2022 the Committee had comprised of six Members i.e. two Members from each authority which at the time included two Members from Wokingham Borough Council. Once they withdrew from the partnership the membership reduced to four Members.
- 4.2 The Joint Public Protection Committee (JPPC) provides strategic direction, monitors performance and makes other key Executive and Council decisions regarding the Service.
- 4.3 The membership of the JPPC currently comprises of four members, two from BFC and two from WBC. For WBC the membership comprises the relevant Executive Member and the Chairman of the Licensing Committee), plus a Substitute or Substitutes (for WBC the other Executive Members).
- 4.4 The first meeting of the Committee after the May 2023 elections took place on the 12 June 2023. During a discussion on the terms of reference of the Committee West Berkshire Council Members proposed that the membership of the Committee be extended by one additional Council Member from each partner Council. Thereby extending the total number on the Committee to six Members. This proposal was supported by Executive and Council representatives from Bracknell Forest Council.
- 4.5 West Berkshire Council is the host authority for the PPP and as such meetings are conducted in accordance with its Constitution. Should the recommendation be agreed the West Berkshire Council Constitution at [Part 3.1 \(JPPC\)](#) and [Part 6.5 \(Appendix Joint Public Protection Committee\)](#) will need to be amended to reflect the revised membership, voting, quorum and political balance requirements.
- 4.6 Part 3.1 (JPPC) of the Constitution will need to be amended as follows:
 - Membership – number of Councillors appointed as Members of Body will have to be increased from 2 to **3**;
 - Quorum **2[O]**;
 - Note [O] to be amended as follows: The Joint Public Protection Committee (JPPC) comprises ~~four~~ **six** members, ~~two~~ **three** from each local authority (for WBC, the relevant Executive Member, the Chairman of the Licensing Committee **and an additional Member appointed by the Council reflecting the political balance of the**

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Council), plus a Substitute or Substitutes (for WBC the other Executive Members) with the Chairmanship and Vice-Chairmanship rotating between the Executive membership. **The quorum of the Committee to comprise one Executive Member from each partner authority.**

4.7 The proposed amendment to Part 6.5 which deals with the Membership (Section 4) of the Committee is set out below:

4.1 The JPPC shall comprise of ~~four~~**six** Members, ~~two~~ **three** from each of BFC and WBC as follows:

4.1.1 The Executive/Cabinet Member with responsibility for Public Protection Services (appointed by the Leader of the respective council);

4.1.2 ~~One~~ **Two** additional Members (appointed by each Council at its respective Annual Meeting or in the event of a vacancy) reflecting the **political balance of the individual Council.**

4.2 At least one officer representing each partner local authority will attend the JPPC to advise Members. Where possible, the Public Protection Manager for the Service will also attend.

4.8 Section 6 of Part 6.5 which deals with the Quorum will need to be amended as follows:

Quorum

6.1 The quorum of a Meeting shall be two.

6.2 At least one **Executive** Member from each Council must be present for the meeting to be quorate.

4.9 In addition the membership requirements are stipulated in the Inter Authority Agreement that the PPP is founded on. It is therefore also proposed that should both partner authorities be minded to agree the revised membership of the Committee authority be delegated to the Service Lead Public Protection, in consultation with the Legal Services Manager to amend the IAA to reflect the revised arrangements.

5 Other options considered

5.1 Not to amend the membership.

6 Conclusion

6.1 It is considered that the Committee would benefit from having a wider membership particularly when it reduced to four members following the departure of Wokingham BC from the Partnership. It has also been the long held view of the Leader of the Council at West Berkshire that a third Member from each authority should be appointed in accordance with the rules appertaining to political balance.

6.2 Should the decision be made to change the Constitution to reflect the wishes of the Committee then an appointment would need to be made in accordance with the Constitution at the July 2023 Council meeting.

7 Appendices

7.1 None

Background Papers:

West Berkshire Council's Constitution

The Minutes of the 12 June 2023 Joint Public Protection Committee.

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 Scrutiny Commission or associated Committees, 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

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