

Report Title:	Political Balance and Appointment of Panels, Chairmen/Vice Chairmen 2019-20
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	n/a
Meeting and Date:	Annual Council 21 May 2019
Responsible Officer(s):	Duncan Sharkey, Managing Director
Wards affected:	All

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Royal Borough
of Windsor &
Maidenhead

REPORT SUMMARY

Following the outcome of the local elections held on 2 May 2019, the Council has a duty under the Local Government and Housing Act 1989 to review and determine the representation of the different political groups on bodies appointed by the council.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) **Notes the political balance of the council as a result of the local elections held on 2 May 2019 as detailed in paragraph 2.1.**
- ii) **Approves the membership of the committees, panels and forums for the ensuing Municipal Year as detailed in Appendix A.**
- iii) **Appoints the Chairman and Vice-Chairman for the ensuing Municipal Year as detailed in Appendix A.**
- iv) **Delegates authority to the Service Lead – Governance to amend/make further appointments on the nomination of the relevant Group Leader.**
- v) **Delegates authority to the Monitoring Officer to amend the constitution as appropriate in light of any amendments to the structure of Panels, Committees and Forums as detailed in Appendix A, including:**
 - **The number of panel members on the Licensing Panel be amended to 11 (see paragraph 2.7 for details)**
 - **The inclusion of Old Windsor ward in the terms of reference for the Windsor Town Forum (see paragraph 2.8 for details)**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

2.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, Councillors have given notice to the Managing Director of their wish to be regarded as members of political groups. The number of seats held on the council is therefore as follows:

- Conservative: 23 seats
- Liberal Democrats: 9 seats
- Local Independents (West Windsor Residents' Association, Old Windsor Residents' Association and the Borough First): 8 seats

- 2.2 A political group for this purpose is a group of two or more members. Councillor Larcombe (National Flood Prevention Party) is the only councillor who is not a member of a political group.
- 2.3 The Council has a subsequent duty to review and determine the allocation of seats to political groups at its Annual meeting. The allocation of seats is determined by applying the political balance rules prescribed by Sections 15 and 16 of the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990:

Seats on relevant committees must be allocated to different political groups so far as reasonably practicable in accordance with the following four principles:

(a) that not all the seats on the body are allocated to the same political group;

(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;

(c) subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the ordinary committees of the Council as the proportion of the members of the Council that belong to that group; and

(d) subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group

- 2.4 The Council's overriding duty to comply with (a) and (b) above takes precedence over achieving a mathematically balanced distribution of seats as described in (c) and (d). Applying those rules the table below sets out the allocation of seats:

Table 1: Allocation of seats

	Political composition- percentage seats out of 40	Proposed allocation of actual seats out of 158 seats	Percentage outcome of allocation of 158 seats
Conservative Group	57.5%	94	59.5%
Liberal Democrat Group	22.5%	34	21.5%
Local Independents Group	20.0%	30	19%
	100%	158	100%

- 2.5 The rules are designed to ensure that the political composition of the Council's panels, committees and forums as far as possible replicates the political composition of Full Council. The Council therefore has a duty to make appointments to those bodies giving effect to the wishes of the political group allocated the seats.
- 2.6 Council could, if it so resolved by a resolution with no Member voting against the resolution, depart from the proportionality rules as detailed above.

- 2.7 The political balance rules do not apply to the Health and Wellbeing Board, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. The terms of reference for the board require three councillors to be appointed, to include Lead Member(s) with responsibility for Adult and Children’s Services. Members are asked to also make the appointments to the Health and Wellbeing Board as detailed in Appendix A.
- 2.8 The Council is also required to appoint the Chairmen and Vice-Chairmen to each body, with the exception the Overview and Scrutiny Panels which shall select a Chairman and Vice Chairman for the ensuing municipal year from their respective memberships at the first meeting of each Panel. The proposed Chairman and Vice Chairman appointments are detailed in Appendix A.
- 2.9 Given the reduction in the number of overall Members of the Council to 41 from May 2019, it is proposed that the number of Members on the Licensing Panel be reduced from 15 to 11.
- 2.10 It is proposed that Old Windsor Ward be added to the terms of reference for the Windsor Town Forum, to reflect the fact that some central Windsor areas previously covered by the forum, including Home Park and the Boltons, are now located in the ward. The terms of reference would be amended to read:
- Windsor Town Forum covering issues concerning the following wards:
 - Clewer & Dedworth East
 - Clewer & Dedworth West
 - Clewer East
 - Eton & Castle
 - *Old Windsor*

2.11 Options

Table 2: Options arising from this report

Option	Comments
To approve the proposed membership of panels, committees and forums This is the recommended option	This would comply with the rules of political balance
To not approve the proposed membership of panels, committees and forums	This would not comply with the rules of political balance

3. KEY IMPLICATIONS

3.1

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Panel, committee and forum	Appointments not made to all panels,	Appointments made to all panels,	n/a	n/a	21/5/19 onwards

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
memberships in place	committees and forums	committees and forums			

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The costs of holding the meetings detailed in Appendix A are contained within revenue budgets.

5. LEGAL IMPLICATIONS

5.1 The recommendations within this report comply with the requirements of the Local Government and Housing Act 1989 supplemented by the Local Government (Committees and Political Groups) Regulations 1990, and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6. RISK MANAGEMENT

6.1

Table 4: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Council business not able to be transacted in a timely manner	Medium	Appointments to panels made	Low

7. POTENTIAL IMPACTS

7.1 Not applicable.

8. CONSULTATION

8.1 Group Leaders have been consulted on the proposals contained in appendix A.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
21/5/19	Annual Council considers appointments
22/5/19 onwards	Council website updated to reflect appointments; meetings commence

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A - Royal Borough of Windsor & Maidenhead Committee / Panel / Forum Membership 2019/20

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- Council constitution, Part 6 – Terms of Reference for forums, panels and committees

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Duncan Sharkey	Managing Director	16/5/19	17/5/19
Russell O'Keefe	Executive Director	17/5/19	
Andy Jeffs	Executive Director	17/5/19	20/5/19
Rob Stubbs	Section 151 Officer	17/5/19	20/5/19
Mary Severin	Monitoring Officer	16/5/19	17/5/19
Elaine Browne	Interim Head of Law and Governance	17/5/19	17/5/19
Nikki Craig	Head of HR and Corporate Projects	17/5/19	
Louisa Dean	Communications	17/5/19	20/5/19s
Kevin McDaniel	Director of Children's Services	17/5/19	
Hilary Hall	Deputy Director of Commissioning and Strategy	17/5/19	19/5/19

REPORT HISTORY

Decision type: Council decision	Urgency item? No	To Follow item? Yes – report was subject to political balance calculations following confirmation of political groupings
Report Author: Karen Shepherd, Service Lead – Governance, 01628 796529		

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
COMMITTEE/PANEL/FORUM MEMBERSHIP 2019/20

COMMITTEE/PANEL/FORUM	Membership 2019/2020
<p>Appeals Panel (3 or 5 Members)</p> <p><i>Called on an 'as required' basis, maintaining political balance where possible.</i></p>	
<p>Berkshire Pension Fund Panel (5 Members)</p> <p>(3C, 1LD, 1LI)</p>	<p>Chairman: Cllr Sharpe Vice Chairman: Cllr Hilton Cllrs Story (C), Bond (LD), Da Costa (LI)</p> <p>Subs: Cllrs Clark, Coppinger, Johnson (C), Werner (LD), Hill (LI)</p>
<p>Berkshire Pension Fund Panel Sub Committee</p> <p><i>The Chairman and/or Vice-Chairman of the Berkshire Pension Fund Panel and up to three other members of the Berkshire Pension Fund and Pension Fund Advisory Panels.</i></p>	
<p>Constitution Sub-Committee (4 Members)</p> <p>(3C, 1LI)</p>	<p>Chairman: Cllr Story Vice-Chairman: Cllr Rayner Cllrs Dudley (C), Jones (LI)</p> <p>Subs: Bateson, Clark, Targowski (C), Hill (LI)</p>
<p>Employment and Member Standards Panel (8 Members)</p> <p>(5C, 2LD, 1 LI)</p>	<p>Chairman: Cllr Rayner Vice Chairman: Cllr Shelim Cllrs Bateson, Coppinger, Dudley (C), Del Campo, Werner (LD), Jones (LI)</p> <p>Subs: Cllrs Cannon, Carroll, Haseler, Hilton, Story (C), Baldwin, Reynolds (LD), Hill (LI)</p>
<p>Employment Appeals Sub Committee (3 Members)</p> <p><i>3 Members (including substitutes) of the Employment and Member Standards Panel called on an 'as required' basis, maintaining political balance where possible.</i></p>	
<p>Member Standards Sub Committee (5 Members)</p> <p><i>5 Members (including substitutes) of the Employment and Member Standards Panel called on an 'as required' basis, maintaining political balance where possible.</i></p>	

COMMITTEE/PANEL/FORUM	Membership 2019/2020
<p>Licensing Panel (11 Members) (6C, 3LD, 2LI)</p>	<p>Chairman: Cllr Haseler Vice Chairman: Cllr Hilton Cllrs Bhangra, Bowden, Cannon, McWilliams (C), Baldwin, Brar, Davies (LD), Davey, Hill (LI)</p> <p>Sub: Cllrs Clark, Hunt, Sharpe, Shelim, Muir, Stimson (C), Baskerville, Bond, Del Campo (LD), Knowles, Taylor (LI)</p>
<p>Licensing and Public Space Protection Order (PSPO) Sub Committee (3 Members)</p> <p><i>3 Members of the Licensing Panel (not substitutes) called on an 'as required' basis, maintaining political balance where possible</i></p>	
<p>Maidenhead Area Development Management Panel (11 Members) (6C, 3LD, 2LI)</p>	<p>Chairman: Cllr Stimson Vice Chairman: Cllr Walters Cllrs Bhangra, Haseler, Johnson, Targowski (C), Baldwin, Brar, Reynolds (LD), Hill, Taylor (LI)</p> <p>Subs: Cllrs Cannon, Carroll, Clark, Hunt, McWilliams, Singh (C), Baskerville, Bond, Del Campo (LD), 2 vacancies (LI)</p>
<p>Windsor Area Development Management Panel (11 Members) (6C, 2LD, 3LI)</p>	<p>Chairman: Cllr Cannon Vice Chairman: Cllr Bowden Cllrs Bateson, Hilton, Sharpe, Shelim (C), Davies, Tisi (LD), W. Da Costa, Davey, Knowles (LI)</p> <p>Subs: Cllrs Clark, Johnson, Luxton, Muir, Story, Rayner (C), Baskerville, Brar (LD), C. Da Costa, Jones, Price (LI)</p>
<p>Borough-wide Development Management Panel (13 Members)</p> <p><i>Chairman plus, where possible, 12 Members ideally drawn equally from the two Area Development Management Panels (including substitutes) in line with political balance rules.</i></p> <p>(7C, 3LD, 3LI)</p>	<p>Chairman: Cllr Bowden Vice Chairman: Cllr Bateson Cllrs Hilton, Hunt, Johnson, Stimson, Targowski (C), Baldwin, Baskerville, Tisi (LD), W. Da Costa, Hill, Taylor (LI)</p> <p>Subs: Bhangra, Cannon, Carroll, Haseler, Shelim, Stimson, Walters (C), Brar, Del Campo, Reynolds (LD), Davey, Knowles, Price (LI)</p>
<p>Rights of Way and Highway Licensing Panel (8 Members) (5C, 1LD, 2LI)</p>	<p>Chairman: Cllr Hunt Vice Chairman: Cllr Muir Cllrs Cannon, Haseler, Rayner (C), Baskerville (LD), Davey, Knowles (LI)</p> <p>Subs: Cllrs Bhangra, Clark, Luxton, Singh, Shelim (C), Davies (LD) C. Da Costa, Taylor (LI)</p>

COMMITTEE/PANEL/FORUM	Membership 2019/2020
<p>Adults, Children and Health Overview & Scrutiny Panel (5 Members)</p> <p><i>No Member can sit on more than 2 O&S Panels. A Member can only hold the position of Chairman or Vice-Chairman of 1 O&S Panel.</i></p> <p><i>The Mayor and Members of the Cabinet cannot be Members of an O&S Panel.</i></p> <p>(3C, 1LD, 1LI)</p>	<p>Chairman: Vice Chairman: Cllrs Hunt, Sharpe, Story (C), Bond (LD), C. Da Costa (LI)</p> <p>Subs: Cllrs Muir, Singh, Targowski (C), Tisi (LD), Price (LI)</p>
<p>Corporate Overview & Scrutiny Panel (5 Members)</p> <p><i>No Member can sit on more than 2 O&S Panels. A Member can only hold the position of Chairman or Vice-Chairman of 1 O&S Panel.</i></p> <p><i>The Mayor and Members of the Cabinet cannot be Members of an O&S Panel.</i></p> <p>(3C, 1LD, 1LI)</p>	<p>Chairman: Vice Chairman: Cllrs Sharpe, Targowski, Walters (C), Werner (LD), Jones (LI)</p> <p>Subs: Cllrs Haseler, McWilliams, Story (C), Baskerville (LD), Hill (LI)</p>
<p>Infrastructure Overview & Scrutiny Panel (5 Members)</p> <p><i>No Member can sit on more than 2 O&S Panels. A Member can only hold the position of Chairman or Vice-Chairman of 1 O&S Panel.</i></p> <p><i>The Mayor and Members of the Cabinet cannot be Members of an O&S Panel.</i></p> <p>(3C, 1LD, 1LI)</p>	<p>Chairman: Vice Chairman: Cllrs Haseler, McWilliams, Singh (C), Brar (LD) W. Da Costa (LI)</p> <p>Subs: Cllrs Bhangra, Bowden, Sharpe (C), Baldwin (LD), Knowles (LI)</p>
<p>Communities Overview & Scrutiny Panel (5 Members)</p> <p><i>No Member can sit on more than 2 O&S Panels. A Member can only hold the position of Chairman or Vice-Chairman of 1 O&S Panel.</i></p> <p><i>The Mayor and Members of the Cabinet cannot be Members of an O&S Panel.</i></p> <p>(3C, 1LD, 1LI)</p>	<p>Chairman: Vice Chairman: Cllrs Bateson, Bhangra, Bowden (C), Baskerville (LD), Price (LI)</p> <p>Subs: Cllrs Hunt, Muir, Walters (C), Werner (LD), Davey (LI)</p>

COMMITTEE/PANEL/FORUM	Membership 2019/2020
<p>Maidenhead Town Forum (7 Members) (4C, 2LD, 1LI)</p> <p><i>The Area Forums will be politically balanced wherever possible and the Members should represent a Ward within the areas of responsibility:</i></p> <ul style="list-style-type: none"> ➤ Belmont ➤ Boyn Hill ➤ Furze Platt ➤ Riverside ➤ Oldfield ➤ Pinkneys Green ➤ St Mary's 	<p>Chairman: Cllr Singh Vice Chairman: Cllr Bhangra Cllrs McWilliams, Targowski (C), Baldwin, Reynolds (LD), Taylor (LI)</p> <p>Subs: Cllrs Carroll, Haseler, Hunt, Stimson (C), Baskerville, Del Campo (LD), Knowles (LI)</p>
<p>Windsor Town Forum (7 Members) (4C, 1LD, 2 LI)</p> <p><i>The Area Forums will be politically balanced wherever possible and the Members should represent a Ward within the areas of responsibility:</i></p> <ul style="list-style-type: none"> ➤ Clewer & Dedworth East ➤ Clewer & Dedworth West ➤ Clewer East ➤ Eton & Castle ➤ Old Windsor 	<p>Chairman: Cllr Bowden Vice Chairman: Cllr Rayner Cllrs Cannon, Shelim (C), Tisi (LD), Davey, Price (LI)</p> <p>Subs: Cllrs Bateson, Muir, Sharpe, Story (C), Davies (LD), C. Da Costa, Knowles (LI)</p>
<p>Aviation Forum (5 Members) (3C, 1LD, 1LI)</p>	<p>Chairman: Cllr Bowden Vice Chairman: Cllr Hilton Cllrs Johnson (C), Davies (LD), Knowles (LI)</p> <p>Subs: Cllrs Cannon, Muir, Shelim (C), Tisi (LD), Taylor (LI)</p>
<p>Corporate Parenting Forum (5 Members) (3C, 1LD, 1LI)</p>	<p>Chairman: Cllr Carroll Vice Chairman: Cllr Clark Cllrs Luxton (C), Tisi (LD), C. Da Costa (LI)</p> <p>Subs: Cllrs Bateson, Rayner, Story (C), Bond (LD), Taylor (LI)</p>
<p>Grants Panel (5 Members) (3C, 1LD, 1LI)</p>	<p>Chairman: Cllr Hilton Vice Chairman: Cllr Bateson Cllrs Bowden (C), Reynolds (LD), Davey (LI)</p> <p>Subs: Cllrs Clark, Hunt, Rayner (C), Baldwin (LD), Price (LI)</p>

COMMITTEE/PANEL/FORUM	Membership 2019/2020
<p>School Improvement Forum (3 Members)</p> <p><i>Lead Member for Children's Services, Opposition Spokesperson for Children's Services and one other Member from the ruling group.</i></p> <p>(2C, 1LD)</p>	<p>Chairman: Cllr Carroll Vice-Chairman: Cllr Coppinger Cllr Del Campo (LD)</p> <p>Subs: Cllrs Hilton, Luxton (C), Tisi (LD)</p>
<p>Statutory Officer Panel (5 Members, plus two Independent Persons)</p> <p><i>Called on an 'as required' basis, maintaining political balance where possible.</i></p>	
<p>Berkshire Fire and Rescue Authority</p> <p><i>3 RBWM Members appointed to the 20 Member Berkshire Authority</i></p> <p>(2C, 1LD)</p>	<p>Cllrs Bateson, Cannon (C), Werner (LD)</p>
<p>East Berkshire Joint Health Overview and Scrutiny Committee</p> <p><i>3 RBWM Members appointed to the 9 Member East Berkshire Committee</i></p> <p><i>The three authorities have agreed to waive the requirement for the committee as a whole to have proportional political representation. However, each local authority may decide whether to maintain political proportionality for its seats on the committee or not.</i></p> <p>(2C, 1LD)</p>	<p>Cllrs Carroll, Coppinger (C), Bond (LD)</p> <p>Subs: Cllrs Hilton, Stimson (C), Tisi (LD)</p>
<p>Joint East Berkshire Health Overview and Scrutiny Committee with Buckinghamshire County Council</p> <p><i>3 RBWM Members appointed to the 12 Member East Berks/Bucks Committee</i></p> <p><i>The four authorities are asked to waive the requirement for the committee as a whole to have proportional political representation</i></p> <p>(2C, 1LD)</p>	<p>Cllrs Carroll, Coppinger (C), Bond (LD)</p> <p>Subs: Cllrs Hilton, Stimson (C), Werner (LD)</p>
<p>Health and Wellbeing Board</p> <p><i>3 RBWM Members appointed to the wider Board to include Lead Member(s) with responsibility for Adult and Children's Services.</i></p> <p><i>The Board is not subject to political balance under regulation 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.</i></p>	<p>Cllrs Carroll, Coppinger, Stimpson (C)</p>

COMMITTEE/PANEL/FORUM	Membership 2019/2020
Independent Remuneration Panel	Mr Karnail Pannu, Mr Chris Stevens and Mr Andrew Vallance (Chairman)