

Report Title:	Political Balance and Appointment of Committee/Panel/Forum Membership and Chairmen/Vice Chairmen for the 2022/23 Municipal Year
Contains Confidential or Exempt Information	No - Part I
Meeting and Date:	Annual Council – 24 May 2022
Responsible Officer(s):	Emma Duncan, Deputy Director Law and Strategy and Monitoring Officer / Karen Shepherd, Head of Governance
Wards affected:	All

REPORT SUMMARY

At its Annual meeting, 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 detailed in Table 1.**
- ii) Considers the recommendation of the Constitution Working Group to amend the terms of reference for Overview and Scrutiny Panels as detailed in Appendix B and delegates authority to the Monitoring Officer to update the constitution appropriately.**
- iii) Approves the membership of the committees, panels and forums for the Municipal Year as detailed in Appendix C.**
- iv) Appoints the Chairmen and Vice-Chairmen for the Municipal Year as detailed in Appendix C.**
- v) Delegates authority to the Head of Governance to amend/make further appointments on the nomination of the relevant Group Leader.**

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

Options

- 2.1 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 for the 2022/23 Municipal Year.
- 2.2 Paragraphs 2.3-2.8 below set out the process for determining political balance and, at Table 1, details the current political balance. There have been no changes to political group memberships since the last time full Council considered the political balance (Annual Council May 2021).
- 2.3 In June 2021, full Council agreed to amend the Development Management Committee structure, returning to a two-committee structure that had existed

prior to the introduction of virtual meetings during the pandemic; this is reflected in Table 1.

2.4 A proposed change to the structures of Overview and Scrutiny Panels is also reflected in Table 1. The Constitution Working Group met on 3 May 2022 to consider a new Panel structure, in light of the recommendations from the Corporate Peer Challenge.

2.5 The Local Government Association (LGA) Corporate Peer Challenge (CPC) took place from 24 – 27 January 2022. The Royal Borough invited the LGA into the council to conduct the review, in order to provide an external assessment of its progress and recommendations for further improvement. In March 2021, Cabinet considered the officer recommendations as to whether to accept the CPC recommendations in whole or in part. Recommendation 5 as detailed below, was accepted:

<p>Review the current model of scrutiny committees.</p> <p>There are currently 4 scrutiny panels and one county-wide health scrutiny. It may be better for the committees to be more closely aligned to the priorities in the Corporate Plan and service delivery arrangements covering people, place and corporate functions.</p>	<p>Officer recommendation – accept, and move to three Scrutiny Panels, to align with the ‘Thriving Communities’, ‘Inspiring Places’ and ‘Council Trusted to Deliver’ objectives set out in the Corporate Plan.</p>
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2.6 The Working Group therefore agreed to recommend to full Council a move to a three-Panel structure, more closely aligned with the Directorate structure of the Council. The proposed structure will ensure that a lead Executive Director is clearly identified for each Panel, to support the Members in work programming (including development of scoping documents) and appropriate use of officer resource. It will also provide greater clarity for all parties (Members, residents, partner organisations, community groups etc) on which Panel is responsible for scrutinising which service area:

- Corporate O&S Panel – Membership of 11 – to cover services identified in the Panel terms of reference (see Appendix B) which align with the vast majority of the targets under the Corporate Plan objective ‘Council Trusted to Deliver’. The Panel would utilise the meeting dates already agreed for the Corporate O&S Panel for the 2022/23 municipal year; the Panel has the ability to call additional meetings if required.
- Place O&S Panel – Membership of 11 - to cover services identified in the Panel terms of reference (see Appendix B) which align with the vast majority of the targets under the Corporate Plan objective ‘Inspiring Places’. The Panel would utilise the meeting dates already agreed for the Infrastructure O&S Panel for the 2022/23 municipal year; the Panel has the ability to call additional meetings if required.
- People O&S Panel – Membership of 11 - to cover services identified in the Panel terms of reference (see Appendix B) which align with the vast majority of the targets under the Corporate Plan objective ‘Thriving Communities’.

The Panel would utilise the meeting dates already agreed for the Adults, Children & Health O&S Panel for the 2022/23 municipal year; the Panel has the ability to call additional meetings if required.

2.7 Appendix B sets out the recommended amendments to the constitution to reflect a three-panel structure.

2.8 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 currently held on the council is therefore as follows:

- Conservative: 22 seats
- Liberal Democrat: 10 seats
- Local Independents: 7 seats

2.9 A political group for this purpose is a group of two or more Members. Councillors Larcombe (National Flood Prevention Party) and Wisdom Da Costa (West Windsor Residents Association) are the only councillors who are not members of a political group.

2.10 The Council has a duty to review and determine the allocation of seats to political groups. This 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

2.11 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 the rules, Table 1 sets out the overall allocation of seats on ordinary committees; Table 2 demonstrates how this applies to individual panels, committees and forums:

Table 1: Overall allocation of seats

	Political composition- percentage of members out of 39	Proposed allocation of actual seats on ordinary committees out of 70 seats	Percentage outcome of allocation of 70 seats
Conservative Group	56.41%	41	58.6%
Liberal Democrat Group	25.64%	18	25.7%
Local Independents Group	17.95%	11	15.7%
Total	100%	70	100%

Table 2: Allocation of seats on individual Panels, Committees and Forums

	Seats	Conservative	Liberal Democrat	Local Independent
Ordinary committees				
Appeals Panel	5	3	1	1
Berkshire Pension Fund Committee	5	3	1	1
Windsor and Ascot Development Management Committee	9			
Member Standards Panel	8	5	2	1
Licensing Panel	11	6	3	2
Appointment Committee	5	3	1	1
Maidenhead Development Management Committee	9	5	3	1
Audit and Governance Committee	5	3	1	1
Rights of Way & Highway Licensing Panel	8	5	2	1
Statutory Officer Panel	5	3	1	1
Other relevant bodies				
People O&S Panel	11	6	3	2
Corporate O&S Panel	11	6	3	2
Place O&S Panel	11	6	3	2
Maidenhead Town Forum	11	6	3	2
Windsor Town Forum	11	6	3	2
Aviation Forum	5	3	1	1
Corporate Parenting Forum	5	3	1	1
Grants Panel	5	3	1	1
School Improvement Forum	3	2	1	0
East Berkshire Joint Health O&S Committee	3	2	0	1
Joint East Berkshire Health O&S Committee with Buckinghamshire CC	3	2	1	0
Berkshire Fire and Rescue Authority	3	2	1	0
<i>Ad hoc bodies whose membership is drawn from the parent body, recognising political balance: Licensing and PSPO Sub Committee, Member Standards Sub Committee, Employment Appeals Sub Committee</i>				

- 2.12 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 groups in the Full Council.
- 2.13 Council could, if it so resolved by a resolution with no Member voting against the resolution, depart from the proportionality rules as detailed above.
- 2.14 Members are asked to approve the memberships and Chairman/Vice Chairman appointments for the 2022/2023 Municipal Year as detailed in Appendix C. Chairman and Vice Chairman of Overview and Scrutiny Panels are appointed by the respective Panel rather than full Council; these appointments will take place at the first meeting of the Municipal Year for each respective panel, scheduled for June 2022.
- 2.15

Table 3: Options arising from this report

Option	Comments
To approve the changes to the constitution to reflect the proposed structure for O&S Panels and, based on the current political balance, approve the membership and relevant chairmanships of the committees, panels and forums for the 2022/23 Municipal Year, as detailed in Appendix C This is the recommended option	This would comply with the rules of political balance
To not approve the changes to the constitution to reflect the proposed structure for O&S Panels	This would not align with the recommendation of the LGA Corporate Peer Challenge
To not approve the membership and relevant chairmanships of the committees, panels and forums for the 2022/23 Municipal Year, as detailed in Appendix C	This would not comply with the rules of political balance, unless Council resolved to depart from the proportionality rules by a unanimous vote

3. KEY IMPLICATIONS

3.1

Table 4: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Panel, committee and forum memberships in place	Appointments not made to all panels, committees and forums	Appointments made to all panels, committees and forums	n/a	n/a	24 May 2022 onwards

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no direct financial implications arising from this report.

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.

6. RISK MANAGEMENT

6.1

Table 5: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Council fails to comply with political balance rules, undermining governance and transparency	Medium	Political balance in place for all appropriate bodies	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. No impacts have been identified; a screening form is available as Appendix A.
- 7.2 Climate change/sustainability. No impacts have been identified.
- 7.3 Data Protection/GDPR. No impacts have been identified.

8. CONSULTATION

- 8.1 The cross-party Constitution Working Group considered amendments to the Overview and Scrutiny Panel structure at its meeting on 3 May 2022. The Group's recommendations have been incorporated into the proposals in this report. Group Leaders have been given the opportunity to nominate the panel, committee and forum memberships for their respective Groups.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in Table 6.

Table 6: Implementation timetable

Date	Details
24/5/22	Council considers recommendations
25/5/22	Panel structure and memberships in place; council website and constitution updated as required

10. APPENDICES

- 10.1 This report is supported by three appendices:

- Appendix A – EQIA
- Appendix B – Proposed amendments to Overview and Scrutiny Panel Terms of Reference
- Appendix C - RBWM Committee/Panel/Forum Membership 2022/23

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Council constitution](#)

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	5/5/22	9/5/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	29/5/22	5/5/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	5/5/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	5/5/22	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	29/5/22	3/5/22
Andrew Durrant	Executive Director of Place	5/5/22	
Kevin McDaniel	Executive Director of Children's Services	5/5/22	
Hilary Hall	Executive Director of Adults, Health and Housing	5/5/22	9/5/22
<i>Heads of Service (where relevant)</i>			
Lynne Lidster	Head of Commissioning – People	5/5/22	5/5/22
Nikki Craig	Head of HR, Corporate Projects and IT	5/5/22	5/5/22
<i>External (where relevant)</i>			
	N/A		

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

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