

Report Title:	Political Balance
Contains Confidential or Exempt Information	No - Part I
Meeting and Date:	Full Council 27 September 2022
Responsible Officer(s):	Emma Duncan, Director - Law, Strategy & Public Health and Monitoring Officer / Karen Shepherd, Head of Governance
Wards affected:	All

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REPORT SUMMARY

A review of the political balance on the council's committees is required following a change in the membership of political groups, including the creation of a new political group. The Council therefore 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.

Ensuring the appropriate political balance is in place supports the council's governance framework and therefore the Corporate Plan objective 'A Council trusted to deliver its promises.'

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) Approves the amended political balance for the council as detailed in Tables 2 and 3.**

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

Options

Table 1: Options arising from this report

Option	Comments
To approve the amended political balance for the council This is the recommended option	This would comply with the rules of political balance
To not approve the amended political balance for the council	This would not comply with the rules of political balance, unless Council resolved to depart from the proportionality rules by a unanimous vote

- 2.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, Councillors have given notice to the Chief Executive of their wish to be regarded as members of political groups. On 13 September 2022 one Member (Councillor C. Da Costa) formally notified the council that she had left the Local Independents group and joined the newly

established West Windsor Residents Association (WWRA) group with Councillor W. Da Costa.

2.2 The number of seats currently held on the council is therefore as follows:

- Conservative: 22 seats
- Liberal Democrat: 10 seats
- Local Independents: 6 seats
- West Windsor Residents Association: 2 seats

2.3 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.

2.4 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

2.5 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 2 sets out the overall allocation of seats on ordinary committees; Table 3 demonstrates how this applies to individual panels, committees and forums:

Table 2: Overall allocation of seats

	Political composition- percentage of members out of 40	Proposed allocation of actual seats on ordinary committees out of 70 seats	Percentage outcome of allocation of 70 seats
Conservative Group	55%	41	58.5%
Liberal Democrat Group	25%	17	24.3%
Local Independents Group	15%	10	14.3%
West Windsor Residents Association Group	5%	2	2.9%
Total	100%	70	100%

Table 3: Allocation of seats on individual Panels, Committees and Forums

	Seats	Conservative	Liberal Democrat	Local Independents	WWRA
Ordinary committees					
Appeals Panel	5	3	1	1	0
Berkshire Pension Fund Committee	5	3	1	0	1
Windsor and Ascot Development Management Committee	9	5	2	1	1
Member Standards Panel	8	5	2	1	0
Licensing Panel	11	6	3	2	0
Appointment Committee	5	3	1	1	0
Maidenhead Development Management Committee	9	5	3	1	0
Audit and Governance Committee	5	3	1	1	0
Rights of Way & Highway Licensing Panel	8	5	2	1	0
Statutory Officer Panel	5	3	1	1	0
Other relevant bodies					
People O&S Panel	11	6	3	1	1
Corporate O&S Panel	11	6	3	2	0
Place O&S Panel	11	6	3	2	0
Maidenhead Town Forum	11	6	3	2	0
Windsor Town Forum	11	6	2	2	1
Aviation Forum	5	3	1	1	0
Corporate Parenting Forum	5	3	1	0	1
Grants Panel	5	3	1	1	0
School Improvement Forum	3	2	1	0	0
East Berkshire Joint Health O&S Committee	3	2	0	0	1
Joint East Berkshire Health O&S Committee with Buckinghamshire CC	3	2	1	0	0
Berkshire Fire and Rescue Authority	3	2	1	0	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>					

- 2.6 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.
- 2.7 Council could, if it so resolved by a resolution with no Member voting against the resolution, depart from the proportionality rules as detailed above.
- 2.8 Following approval of the amended political balance, the Head of Governance will write to all relevant Group Leaders to request confirmation of appointments to amended seats for their respective group.

3. KEY IMPLICATIONS

3.1

Table 4: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated political balance in place	Political balance not updated	Political balance updated	n/a	n/a	27 September 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 Group Leaders were notified of the requirement for a review of the political balance on receipt of the formal notification of the creation of a new political group.

9. TIMETABLE FOR IMPLEMENTATION

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

Table 6: Implementation timetable

Date	Details
27 September 22	Council considers recommendations
October 2022	Group Leaders inform Head of Governance of amended memberships as appropriate; council website updated as required

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – EQIA

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Council constitution](#)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	14/9/22	
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	14/9/22	14/9/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	14/9/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	14/9/22	
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>	

Lyn Hitchinson	Procurement Manager	N/A	N/A
Mandatory:		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Emma Young	Data Protection Officer	N/A	N/A
Mandatory:		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus	Equalities & Engagement Officer	14/9/22	
Other consultees:			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive/DASS	14/9/22	14/9/22
Andrew Durrant	Executive Director of Place	14/9/22	
Kevin McDaniel	Executive Director of People Services	14/9/22	
Heads of Service (where relevant)			
	N/A		
External (where relevant)			
N/A			

REPORT HISTORY

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

Report Author: Karen Shepherd, Head of Governance, 07766 778286

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
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Responsible officer	Karen Shepherd	Service area	Governance	Directorate	Law, Strategy & Public Health
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Stage 1: EqIA Screening (mandatory)	Date created: 13/9/2022	Stage 2 : Full assessment (if applicable)	Date created: N/A
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Approved by Head of Service / Overseeing group/body/Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): K. Shepherd

Dated: 13/9/22

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The overall aim of the proposal is to confirm the political balance on the council committees, panels and forums in line with the updated political balance.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			All councillors (subject to political balance and within their respective groups) can be nominated to sit on the various panels, committees and forums.
Disability				
Gender re-assignment				
Marriage/civil partnership				
Pregnancy and maternity				
Race				
Religion and belief				
Sex				
Sexual orientation				

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None	-	-
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	-	-

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).