

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	22nd May 2025
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Terms of Reference of Panels, Committees and other bodies in the Council’s Constitution</p> <p>Appendix 2 – Proposed political proportionality table</p> <p>Appendix 3 – Member Advocates – Annual Activity report</p> <p>Appendix 4 – Police and Crime Panel Annual report</p>	

1 THE ISSUE

- 1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2025 to May 2026 and associated annual business. The Council is also required to formally undertake a statutory review of the political proportionality arrangements (as triggered under section 15 of the Local Government and Housing Act 1989) in respect of bodies that are required to be politically proportionate, following the recent change in political group membership.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in Appendix 1);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution, noting the amendment to the Restructuring Implementation Committee Terms of Reference as set out in paragraph 4.2 and amendments to the Health & Wellbeing Board Terms of Reference, as set out in paragraph 4.3;

- 2.3 Approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups), as set out in Appendix 2;
- 2.4 Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 2.5 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
- 2.6 Determine the bodies on which co-opted and independent members are to have seats, as either voting or non-voting members and appoint such members accordingly (Appendix 1);
- 2.7 Confirm the continuing B&NES membership on Avon Fire Authority of Councillors Paul May, Onkar Saini and Robin Moss.
- 2.8 Note the arrangements for the conduct of Cabinet business, as set out in section 5 and any updates announced at the meeting;
- 2.9 Note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 5.3
- 2.10 Note the activity of the Member Advocates, as set out in Appendix 3;
- 2.11 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.12 Note the Police and Crime Panel's annual report, as appended;
- 2.13 Note the calendar of meeting dates that has been prepared up to May 2026 which is available on the Council's website;
- 2.14 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

- 4.1 The Council's Constitution sets out the approved non-executive and regulatory decision-making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 1 to this report.

- 4.2 Following the vote at February Council, the Restructuring Implementation Committee (RIC) is now a politically proportionate committee. Consensus was expressed that the input of all political Group Leaders was valued, so the RIC Terms of Reference now include non-voting attendance rights for those Group Leaders not part of the voting membership.
- 4.3 The Health & Wellbeing Board, at its meeting on 1st May 2025, amended their Terms of Reference to add in Oxford Health and the Chief Exec of 3SG, plus one academic representative from each of the University of Bath and Bath University.
- 4.4 Since the last Council meeting, a new political group has been established, which has triggered a review of political proportionality. A revised structure is attached at Appendix 2. It shows when a seat is allocated to a particular group, but they have offered it to another group to fill. [This offer can be withdrawn at any time and the seat allocation remains with the political group listed in the table.]
- 4.5 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub-committees but the basic principles are:-
- a) not all the seats on the body shall be allocated to one particular party;
 - b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
 - c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;
 - d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.
 - e) Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub-committees, and to make the actual appointments. A Committee or Sub-committee must, however, comprise at least two voting members.
- 4.6 As it is only the Council that can make appointments to its committees (and only the Council has the power to remove) the Council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness, and, as the Council has agreed that it is highly desirable (and in the case of the Planning Committee mandatory) that political groups should only nominate members as substitutes if they have had relevant training in the work of the committee, this

approach enables training and resources to be better focussed and better discharges its fiduciary duty to ratepayers.

- 4.7 Under regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 as amended, the appointed proper officer (the Monitoring Officer) has the duty to notify the relevant leaders of the political groups 'as soon as practicable' after the agreed allocation of seats (or after any vacancies subsequently arising) so that such political groups may nominate members from their groups for appointment by the Council to the seats allocated on its committees to their groups.
- 4.8 Should a political group fail to express its wishes in relation to such appointment within three weeks beginning with the date on which the proper officer gave due written notice, the Council has discretion to make such appointment to that seat as they think fit in accordance with regulation 15 of the same regulations. The seats could be left vacant for a period of time.
- 4.9 Section 15 of the Local Government and Housing Act 1989 (the 1989 Act) details how and when appointments to ordinary committees must be allocated, as applying only to those members who are part of a political group. [The Local Government (Committees and Political Groups) Regulations 1990 Regulation 8 defines political groups as two or more members of the authority who wish to be treated as a political group by giving notice to the Proper Officer].
- 4.10 There are currently no 'unaligned' councillors, as all councillors are part of a political group.
- 4.11 The following bodies are not required to be politically proportionate; Area Committees, Health and Wellbeing Board, the Cabinet and any Licensing Committee or Sub-Committee appointed by the Licensing Act 2003.
- 4.12 Political groups have appointed members to the bodies listed in Appendix 1 and as Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees. Unless otherwise advised by the political groups, these appointments continue for the 4 year term.

5 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

- 5.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council.
- 5.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution rule 3.5.16 refers). This Council has decided that will happen on an annual basis.
- 5.3 There was one such decision taken;

28/11/2024 - [Commercial Planned Maintenance - RULE 3.5.16](#)

Terms for the proposed capital reinvestment into income generating commercial properties within the Milsom Quarter Masterplan area with the purpose of approving capital programme budget from provisional approval to full budget approval.

Decision Maker: Cabinet Member for Resources

Decision published: 28/11/2024

Effective from: 28/11/2024

Decision:

(1) To approve capital spending of £10m into properties within the Milsom Quarter Masterplan area.

(2) To allocate £502K Revenue Budget Contingency (within Corporate Budgets cash limit) to Commercial Estate of £13K 2024/25, further £358K in 2025/26 and £131K in 2026/27.

(3) To delegate all lease decisions to the Head of Commercial Estate in consultation with the Executive Director - Resources (S151), Monitoring Officer and Cabinet Member for Resources.

Lead officer: Carolyn Smallwood

6 MEMBER ADVOCATES

6.1 The Council has appointed a number of Member Advocates to champion the needs of a particular interest;

<https://democracy.bathnes.gov.uk/documents/s86515/Member%20Advocates.pdf>

6.2 The scheme requires a brief annual report to Council about the work the Advocate has done in their role in the preceding year. A summary of these is attached at Appendix 3.

7 APPOINTMENTS ON OUTSIDE BODIES

7.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with Group Leaders) for Council functions, and by the Leader for Cabinet ones.

7.2 B&NES has two representatives on the Avon & Somerset Police and Crime Panel. The Panel's annual report has been submitted for noting.

8 RISK MANAGEMENT

8.1 No risk assessment related to the issue and recommendations has been undertaken as the Council needs to put in place the arrangements contained in this report.

9 EQUALITIES

9.1 Not applicable.

10 ADVICE SOUGHT AND CONSULTATION

10.1 The Council's Chief Executive and Monitoring Officer (Head of Legal and Democratic Services) have had the opportunity to input to this report and have cleared it for publication.

10.2 Group Leaders have been consulted on relevant aspects of this report.

Contact person	Jo Morrison, Democratic Services Manager (ext 4358)
Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	