

# Annual Council



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Review of Political Balance and Appointment to Politically Balanced Bodies</b>	
<b>Report No:</b>	<b>AGM/FH/17/001</b>	
<b>Report to and date:</b>	Annual Council	10 May 2017
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<b>Lead officer:</b>	Leah Mickleborough Service Manager (Democratic Services) & Monitoring Officer <b>Tel:</b> 01284 757162 <b>Email:</b> <a href="mailto:leah.mickleborough@westsuffolk.gov.uk">leah.mickleborough@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	The Council is required by the Constitution at each Annual Meeting to decide: (1) which Committees to establish for the municipal year; (2) the size and agree Terms of Reference (ToR) for those committees; and (3) the allocation of seats and substitutes to political groups in accordance with the political balance rules.	
<b>Recommendations:</b>	<b>It is recommended that:</b>  <b>(1) The Committees and Joint Committees listed in paragraphs 1.2.1 to 1.2.4 of Report No: AGM/FH/17/001 continue to operate for 2017/2018 in accordance with their existing number of seats and terms of reference, as contained in Appendix 2 and as amended to include the revisions to the ToR for the Licensing and Regulatory Committee;</b>	

	<p>(2) <b>The formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as indicated in Appendix 1 of Report No: AGM/FH/17/001, be approved;</b></p> <p>(3) <b>The allocation of seats on the Committees which are required by law to be politically balanced, as indicated in Appendix 1 and paragraph 1.2.7, of Report No: AGM/FH/17/001, be approved.</b></p> <p>(4) <b>The allocation of seats on the Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and the West Suffolk Joint Standards Committee, as indicated in paragraph 1.2.8 of Report No: AGM/FH/17/001, be approved. These Committees are not required to be politically balanced.</b></p> <p>(5) <b>If the Council is unable to confirm the appointment of Members and Substitute Members at the Annual Council meeting on 10 May 2017, the Service Manager (Democratic Services) be given delegated authority to appoint Members and Substitute Members to those bodies set out in recommendations (3) and (4) above, on the basis of nominations from the relevant Group Leaders.</b></p>
<b>Key Decision:</b>	<p><i>Is this a Key Decision and, if so, under which definition?</i>  No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• None, as the matters under consideration are required by the Constitution.</li> </ul>
<b>Implications:</b>	
<p><i>Are there any <b>financial</b> implications?  If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The review has been undertaken within existing resources. Any changes required as a result of the review will also be borne from existing budgets.</li> </ul>
<p><i>Are there any <b>staffing</b> implications?  If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• As above.</li> </ul>
<p><i>Are there any <b>ICT</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The Local Government and Housing Act 1989 states that the</li> </ul>

	authority has a duty to review the representation of different political groups at, or as soon as practicable, after the annual meeting.		
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Opportunities for joint working are missed	Medium	Consider the creation of joint committees/panels wherever possible.	Low
Duplication of effort between member bodies	Medium	Carry out an annual review of committees, working parties, etc to ensure that they are all still relevant and adding value and do not cross over with the activities or other bodies e.g. scrutiny committees or task and finish groups	Low
The number of meetings and reviews cannot be accommodated with available member and officer time and resources	High	Carry out an annual review to disband any groups no longer required, and to optimise frequency of meetings. Keep under constant review.	Medium
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		Appendix 1: Committees required to be politically balanced Appendix 2: Committees and Joint Committees Terms of Reference (including amendments as highlighted to the Licensing and Regulatory Committee ToR)	

## 1. Key issues and reasons for recommendation(s)

### 1.1 Political Composition

1.1.1 The political composition of the Council is as indicated in the following table:

	<b>No of members</b>	<b>%</b>
<b>Conservative</b>	18	66.67%
<b>West Suffolk Independent</b>	5	18.52%
<b>UKIP</b>	3	11.11%
<b>Independent (non group)</b>	1	3.70%
<b>TOTAL</b>	<b>27</b>	<b>100.00%</b>

1.1.2 The Council will need to formally approve the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced. (**Recommendation 2.**)

1.1.3 The obligation to ensure that there is proportionality in the political composition of the Council's committees extends only to proportionate representation of members of political groups, and does not require non-grouped members to be proportionally represented. Seats therefore need to be allocated only to groups.

1.1.4 In carrying out any review the Council is obliged to adopt the following principles and to give effect to them 'so far as is reasonably practicable':

- (a) that not all seats on the Council are allocated to the same political group;
- (b) that the majority of the seats on the Council are 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, that the number of seats on the ordinary committees of the Council which are allocated to each political group, have 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 the authority, and;
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the Council which are allocated to each group have the same proportion to the number of all the seats on that Council as is borne by the number of members of that group to the membership of the Council.

## 1.2 **Entitlement to Places**

1.2.1 The table at Appendix 1 (attached) and as listed below shows those Committees that are required to be politically balanced.

- (a) Development Control Committee (Minimum of 14 seats) (To comprise no more than the minimum number of Members necessary to allow appointment on the basis of one Member for each Ward, unless the obligation to achieve political balance necessitates more than one Member from that Ward, but no more).
- (b) Licensing and Regulatory Committee (10 seats).  
Attention is drawn to Section 1.3 of this report. Specific consideration to the membership requirements for this Committee has been given by the Group Leaders when making their nominations for appointments (as set out in this report).
- (c) Joint Officer Appointments Committee (3 seats).
- (d) Joint Officer Appeals Committee (3 seats).

1.2.2 Overview and Scrutiny Committee (10 seats) – The Council approved on 21 June 2012 that arrangements for appointments to the Overview and Scrutiny Committee be made *without compliance with the political balance requirements* in Sections 15 and 16 of the Local Government and Housing Act 1989.

In 2016/2017, the allocation of seats was 7 seats to the Conservatives and 2 West Suffolk Independent Group, 1 UKIP.

1.2.3 Performance and Audit Scrutiny Committee (10 seats) – The Council approved on 8 May 2013 that arrangements for appointments to the Performance and Audit Scrutiny Committee be made *without compliance with the political balance requirements* in Sections 15 and 16 of the Local Government and Housing Act 1989.

In 2016/2017, the allocation of seats was 8 seats to the Conservatives, 1 West Suffolk Independent Group, 1 UKIP.

1.2.4 West Suffolk Joint Standards Committee (3 seats) – The Council approved on 13 March 2013 that arrangements for appointments to the West Suffolk Joint Standards Committee be made *without compliance with the political balance requirements* in Sections 15 and 16 of the Local Government and Housing Act 1989.

In 2016/2017, the allocation of seats was 3 seats to the Conservatives with a further 1 Conservative as the named substitute.

1.2.5 Non-grouped members - Although non-grouped members are not required to be proportionally represented, where a group is entitled to less than 0.5 of a place, Group Leaders may wish to consider whether to give a seat to the Council's one non-group member.

1.2.6 The Council is asked (by way of **Recommendations 1 and 2**) to consider whether it wishes to continue operating the above Committees, Joint Committees for 2017/2018 in accordance with their existing number of seats and terms of reference, as contained in Appendix 2 (attached).

## **Politically Balanced Seats**

- 1.2.7 Council is then asked to allocate seats and substitutes to political groups ***in accordance with the political balance rules*** and appoint membership to those Committees (**Recommendation 3**):

Development Control Committee (Minimum of 14 seats; **to comprise no more than the minimum number of Members necessary to allow appointment on the basis of one Member for each Ward, unless the obligation to achieve political balance necessitates more than one Member from that Ward, but no more.**)

(Chairman and Vice Chairman appointed by the Committee)

Conservatives	9 seats
West Suffolk Independent	3 seats
UKIP	2 seat

<b>Ward</b>	<b>Member</b>
All Saints	Stephen Edwards (CON)
Brandon East	Peter Ridgwell (UKIP)
Brandon West	David Palmer (WSI)
Eriswell and The Rows	David Bowman (CON)
Exning ( <i>1 Member Ward</i> )	Simon Cole (WSI)
Great Heath	Louis Busuttil (CON)
Iceni ( <i>1 Member Ward</i> )	Rona Burt (CON)
Lakenheath	Louise Marston (CON)
Manor ( <i>1 Member Ward</i> )	Brian Harvey (CON)
Market	Ruth Bowman (CON)
Red Lodge	Carol Lynch (CON)
Severals	Andrew Appleby (WSI)
South ( <i>1 Member Ward</i> )	Roger Dicker (UKIP)
St Mary's	Chris Barker (CON)

Licensing and Regulatory Committee (10 seats)

(Chairman and Vice Chairman appointed by the Committee)

Attention is drawn to Section 1.3 of this report. Specific consideration to the membership requirements for this Committee has been given by the Group Leaders when making their nominations for appointments (as set out below).

Conservatives 7 seats  
West Suffolk Independent 2 seats  
UKIP 1 seat

<b>Political Group</b>	<b>Member</b>
Conservative	Michael Anderson
Conservative	Chris Barker
Conservative	John Bloodworth
Conservative	Carol Lynch
Conservative	Christine Mason
Conservative	Nigel Roman
Conservative	Brian Harvey
West Suffolk Independent	Ruth Allen
West Suffolk Independent	Victor Lukaniuk
UKIP	Reg Silvester

Joint Officer Appointments Committee (3 seats and 1 substitute seat)  
(Joint Committee established with St Edmundsbury Borough Council)

(Chairman and Vice Chairman appointed by the Committee)

Conservatives 2 seats  
West Suffolk Independent 1 seat

<b>Political Group</b>	<b>Member</b>
Conservative	Ruth Bowman
Conservative	James Waters
West Suffolk Independent	David Palmer
<b>Substitute Member</b>	
Conservative	Nigel Roman

Joint Officer Appeals Committee (3 seats and 1 substitute seat)  
(Joint Committee established with St Edmundsbury Borough Council)

(Chairman and Vice Chairman appointed by the Committee)

Conservatives 2 seats  
West Suffolk Independent 1 seat

<b>Political Group</b>	<b>Member</b>
Conservative	David Bowman
Conservative	Brian Harvey
West Suffolk Independent	Ruth Allen
<b>Substitute Member</b>	
Conservative	Chris Barker



## **Non Politically Balanced Seats**

- 1.2.8 Council is then asked to allocate seats and substitutes ***without compliance to the political balance rules*** and appoint membership to those Committees/Joint Committee (**Recommendation 4**):

### Overview and Scrutiny Committee (10 seats)

(Cabinet Members cannot be Members of this Committee)

**(Chairman and Vice Chairman appointed by Annual Council – see separate agenda item)**

The allocation of seats set out below for 2017/2018 is the same as it was for 2016/2017, this being; 7 seats to the Conservatives and 2 West Suffolk Independent Group, 1 UKIP.

Chris Barker (CON)	Rona Burt (CON)
John Bloodworth (CON)	Nigel Roman (CON)
Ruth Bowman (CON)	David Palmer (WSI)
Brian Harvey (CON)	Simon Cole (WSI)
Christine Mason (CON)	Reg Silvester (UKIP)

### Performance and Audit Scrutiny Committee (10 seats)

(Cabinet Members cannot be Members of this Committee)

**(Chairman and Vice Chairman appointed by Annual Council – see separate agenda item)**

The allocation of seats set out below for 2017/2018 is the same as it was for 2016/2017, this being; 8 seats to the Conservatives, 1 West Suffolk Independent Group, 1 UKIP.

Michael Anderson (CON)	Colin Noble (CON)
John Bloodworth (CON)	Chris Barker (CON)
Louis Busuttil (CON)	Rona Burt (CON)
Louise Marston (CON)	Simon Cole (WSI)
Christine Mason (CON)	Peter Ridgwell (UKIP)

### West Suffolk Joint Standards Committee (3 seats and 1 substitute seat) (Joint Committee established with St Edmundsbury Borough Council)

(Chairman and Vice Chairman appointed by the Committee)

The allocation of seats set out below for 2017/2018 is the same as it was for 2016/2017, this being; 3 seats to the Conservatives.

<b>Full Member</b>	<b>Substitute Member</b>
David Bowman (CON)	Brian Harvey (CON)
Rona Burt (CON)	
Chris Barker (CON)	

- 1.3 **Review of the Remit and Responsibilities of the Licensing and Regulatory Committee**  
**(Recommendation 1.)**
- 1.3.1 Through the development of a shared service approach, the way that Forest Heath District Council and St Edmundsbury Borough Council (West Suffolk councils) manage and operate their respective licensing functions has changed.
- 1.3.2 Over a five year period, changes have been made in the democratic process and within certain council functions, in particular where they relate to regulatory activities, to improve how policy is developed. A good example of this is the transformation of the Development Control democratic function where changes were made to separate the policy-making and policy-implementation roles within the democratic process. These changes have re-enforced the policy-approving roles of Cabinet and full Council in line with the Constitutions of the councils.
- 1.3.3 It has become apparent that Licensing and Regulatory policy-making is operating in a different way to Development Control although they are comparable quasi-judicial functions. In response, a Task and Finish Group review of the policy-making and implementation process for the Licensing and Regulatory functions was initiated in autumn 2016 led by the Portfolio Holders for Planning and Growth. The objectives of the review were to improve the governance of the Licensing and Regulatory functions and provide a more consistent and efficient approach to policy-making for Licensing.
- 1.3.4 The Task and Finish Group, which included the aforementioned Portfolio Holders and Chairmen of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council's (SEBC) Licensing and Regulatory Committees, was accountable to the FHDC and SEBC's Cabinets and had a consultation process agreed for emerging proposals to include members of FHDC and SEBC's Licensing and Regulatory Committees, prior to wider consultation.
- 1.3.5 The review identified and took account of practice in other local authorities similar to FHDC and SEBC for making licensing policy and also research into Licensing Committee arrangements and national legal and policy frameworks and guidance.
- 1.3.6 The review identified and assessed the options available to bring current practice in line with what is set out in the Constitution, what is already working in other functions in West Suffolk (e.g. Development Control) and also what seemed to be most appropriate within the family group. This has resulted in some amendments to the terms of reference for the Licensing and Regulatory Committee being proposed, as set out using tracked changes in Appendix 2 attached.