

Annual Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Review of Political Balance and Appointment to Politically Balanced Bodies	
Report No:	AMENDED AGM/SE/17/001 (Amendments are highlighted in red)	
Report to and date:	Annual Council	18 May 2017
Portfolio holder:	John Griffiths Leader of the Council Tel: 07958 700434 Email: john.griffiths@stedsbc.gov.uk	
Lead officers:	Karen Points Assistant Director (Human Resources, Legal and Democratic Services) Tel: 01284 757015 Email: karen.points@westsuffolk.gov.uk	
	Leah Mickleborough Service Manager (Democratic Services) and Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	The Council is required by the Constitution at each Annual Meeting: (1) to decide which committees to establish for the municipal year; (2) to decide the size and agree terms of reference for those committees; (3) to decide the allocation of seats and substitutes to political groups in accordance with the political balance rules; (4) receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required; and (5) appoint to those Committees except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.	

Recommendations:	<p>It is <u>RECOMMENDED</u> that:</p> <ol style="list-style-type: none"> (1) the Committees, Joint Committees and Working Party listed in Sections 1.2.1 to 1.2.3 of Report No: AGM/SE/17/001 (AMENDED) continue to operate for 2017/2018 in accordance with their existing number of seats and terms of reference (ToR), as amended to include revisions to the ToR for the Licensing and Regulatory Committee, as contained in Appendix 2; (2) the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as set out in paragraph 1.1.1, be approved; (3) the allocation of seats on the Committees which are required by law to be politically balanced, as indicated in Appendix 1 to Report No: AGM/SE/17/001 (AMENDED), be approved; (4) the allocation of seats on the West Suffolk Joint Standards Committee, as indicated in Section 1.2.2, be approved. This Committee is not required to be politically balanced; (5) whilst the Democratic Renewal Working Party is not required to be politically balanced, the allocation of seats is by custom and practice, undertaken on this basis. Therefore, the allocation of seats to this Working Party, as indicated in Section 1.2.3, be approved; and (6) the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to re-appoint or appoint as applicable, Members and substitute Members to those bodies set out in recommendations (3), (4) and (5) above on the basis of nominations from the relevant Group Leaders.
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • None

Alternative option(s):		<ul style="list-style-type: none"> None, as the matters under consideration are required by the Constitution. 	
Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> The review has been undertaken within existing resources. Any changes required as a result of the review will also be borne from existing budgets. 	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> As above. 	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> 	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See paragraph 1.1.2 	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (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
Wards affected:		All Wards	
Background papers:		None	

Documents attached:

AMENDED Appendix 1: Committees required to be politically balanced and place entitlement

Appendix 2 (no change so not attached to this amended report): Committee, Joint Committee and Working Party Terms of Reference (ToR), including proposed revisions to the Licensing and Regulatory Committee ToR.

1. Key issues and reasons for recommendations

1.1 Political Composition

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

GROUP	No of members	%
Conservative	33	73.33%
United Kingdom Independence Party (UKIP)	5	11.11%
Charter (DN, RC, DH, JW)	4	8.89%
Independent (TB) Non-Group	1	2.22%
Independent (PH) Non-Group	1	2.22%
VACANCY	1	2.22%
TOTAL	45	100.00%

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.

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 (**AMENDED**) and summarised below, shows those Committees that are required to be politically balanced and provides the exact entitlement to places of each group.

- (a) Development Control (16 seats);
- (b) Licensing and Regulatory (13 seats);
- (c) Overview and Scrutiny (16 seats);
- (d) Performance and Audit Scrutiny (10 seats);
- (e) Joint Officer Appointments (3 seats);
- (f) Joint Officer Appeals (3 seats);
- (g) Mayoral Advisory (7 seats); and
- (h) Treasury Management (3 seats).

~~1.2.2 As indicated above, it is proposed to increase the size of the Development Control Committee from 16 to 17 seats. As shown in Appendix 2, the existing terms of reference for this Committee, as contained in Part 3 of the Constitution, state:~~

~~'2.1 The Committee will comprise up to 17 Members of the Authority'.~~

~~There is therefore no requirement to seek an amendment to the terms of reference for this Committee.~~

1.2.2 West Suffolk Joint Standards Committee (3 seats) – Council approved on 26 February 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. The allocation of seats is to be one Conservative Group, one UK Independence Party Group and one Charter Group.

Continued overleaf...

- 1.2.3 Democratic Renewal Working Party - The Democratic Renewal Working Party is not required to be politically balanced, but the allocation of seats is, by custom and practice, undertaken on this basis. The table below gives the exact entitlement to places and the allocated places.

Committee	Democratic Renewal WP	
No of seats	7	
GROUP	Entitled Places (exact)	Allocated Places
Conservative	5.13	5
UKIP	0.78	1
Charter (DN, RC, DH, JW)	0.62	1
Independent (TB) Non-Group	0.16	0
Independent (PH) Non-Group	0.16	0
VACANCY	0.16	0
TOTAL	7	7

- 1.2.4 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 a non-group member.
- 1.2.5 The Council is asked to consider whether it wishes to continue operating the above Committees, Joint Committees and Working Party for 2017/2018 in accordance with their existing number of seats and terms of reference (as amended where applicable), as contained in Appendix 2 attached.
- 1.2.6 Council is then asked to allocate seats and substitutes to political groups in accordance with the political balance rules and re-appoint the existing membership or appoint new membership as applicable, to those Committees and Working Party via delegated authority.

2. Review of the Remit and Responsibilities of the Licensing and Regulatory Committee

- 2.1 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.
- 2.2 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.

- 2.3 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.
- 2.4 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.
- 2.5 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.